

**FOREIGN
RELATIONS
OF THE
UNITED
STATES**

1969–1976

VOLUME XLII

**VIETNAM:
THE KISSINGER-
LE DUC THO
NEGOTIATIONS,
AUGUST 1969–
DECEMBER 1973**



**DEPARTMENT
OF
STATE**

Washington



**Foreign Relations of the
United States, 1969–1976**

Volume XLII

**Vietnam:
The Kissinger-
Le Duc Tho
Negotiations,
August 1969–
December 1973**

Editor John M. Carland
General Editor Adam M. Howard

DEPARTMENT OF STATE
OFFICE OF THE HISTORIAN
BUREAU OF PUBLIC AFFAIRS

For sale by the Superintendent of Documents, U.S. Government Publishing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2250 Mail: Stop IDCC, Washington, DC 20402-0001

About the Series

The *Foreign Relations of the United States* series presents the official documentary historical record of major foreign policy decisions and significant diplomatic activity of the United States Government. The Historian of the Department of State is charged with the responsibility for the preparation of the *Foreign Relations* series. The staff of the Office of the Historian, Bureau of Public Affairs, under the direction of the General Editor of the *Foreign Relations* series, plans, researches, compiles, and edits the volumes in the series. Secretary of State Frank B. Kellogg first promulgated official regulations codifying specific standards for the selection and editing of documents for the series on March 26, 1925. These regulations, with minor modifications, guided the series through 1991.

Public Law 102-138, the Foreign Relations Authorization Act, established a new statutory charter for the preparation of the series, which was signed by President George H.W. Bush on October 28, 1991. Section 198 of P.L. 102-138 added a new Title IV to the Department of State's Basic Authorities Act of 1956 (22 U.S.C. 4351, et seq.).

The statute requires that the *Foreign Relations* series be a thorough, accurate, and reliable record of major United States foreign policy decisions and significant United States diplomatic activity. The volumes of the series should include all records needed to provide comprehensive documentation of major foreign policy decisions and actions of the United States Government. The statute also confirms the editing principles established by Secretary Kellogg: the *Foreign Relations* series is guided by the principles of historical objectivity and accuracy; records should not be altered or deletions made without indicating in the published text that a deletion has been made; the published record should omit no facts that were of major importance in reaching a decision; and nothing should be omitted for the purposes of concealing a defect in policy. The statute also requires that the *Foreign Relations* series be published not more than 30 years after the events recorded. The editors are convinced that this volume meets all regulatory, statutory, and scholarly standards of selection and editing.

Editorial Methodology

Documents in this volume are presented chronologically according to time in Washington, DC. Memoranda of conversation are placed according to the time and date of the conversation, rather than the date the memorandum was drafted.

Editorial treatment of the documents published in the *Foreign Relations* series follows Office style guidelines, supplemented by guidance from the General Editor and the Chief of the Editing and Publishing Division. The original document is reproduced as exactly as possible, including marginalia or other notations, which are described in the footnotes. Texts are transcribed and printed according to accepted conventions for the publication of historical documents within the limitations of modern typography. A heading has been supplied by the editors for each document included in the volume. Spelling, capitalization, and punctuation are retained as found in the original text, except that obvious typographical errors are silently corrected. Other mistakes and omissions in the documents are corrected by bracketed insertions: a correction is set in italic type; an addition in roman type. Words or phrases underlined in the original document are printed in italics. Abbreviations and contractions are preserved as found in the original text, and a list of abbreviations and terms is included in the front matter of each volume. In telegrams, the telegram number (including special designators such as Secto) is printed at the start of the text of the telegram.

Each document has a single footnote which indicates the source of the document, original classification, distribution, and drafting information. This note also provides substantive contextual information about the reports the chief negotiators (Kissinger and Le Duc Tho, but especially the former) made to their principals (President Richard M. Nixon and the Politburo in Hanoi, respectively) about the negotiations, the orders and guidance they received, and on occasion the influence of outside events on the negotiations.

Bracketed insertions are also used to indicate omitted text that deals with an unrelated subject (in roman type) or that remains classified after declassification review (in italic type). The amount and, where possible, the nature of the material not declassified has been noted by indicating the number of lines or pages of text that were omitted. Entire documents withheld after declassification review have been accounted for and are listed in their chronological place with headings, source notes, and the number of pages not declassified.

All brackets that appear in the original document are so identified in the footnotes. All ellipses are in the original documents.

The numbers in the index refer to document numbers rather than to page numbers.

Advisory Committee on Historical Diplomatic Documentation

The Advisory Committee on Historical Diplomatic Documentation, established under the *Foreign Relations* statute, monitors the overall compilation and editorial process of the series and advises on all as-

pects of the preparation of the series and declassification of records. The Advisory Committee does not necessarily review the contents of individual volumes in the series, but it makes recommendations on issues that come to its attention and reviews volumes as it deems necessary to fulfill its advisory and statutory obligations.

Presidential Recordings and Materials Preservation Act Review

Under the terms of the Presidential Recordings and Materials Preservation Act (PRMPA) of 1974 (44 USC 2111 note), the National Archives and Records Administration (NARA) has custody of the Nixon Presidential historical materials. The requirements of the PRMPA and implementing regulations govern access to the Nixon Presidential historical materials. The PRMPA and implementing public access regulations require NARA to review for additional restrictions in order to ensure the protection of the privacy rights of former Nixon White House officials, since these officials were not given the opportunity to separate their personal materials from public papers. Thus, the PRMPA and implementing public access regulations require NARA formally to notify the Nixon Estate and former Nixon White House staff members that the agency is scheduling for public release Nixon White House historical materials. The Nixon Estate and former White House staff members have 30 days to contest the release of Nixon historical materials in which they were a participant or are mentioned. Further, the PRMPA and implementing regulations require NARA to segregate and return to the creator of files private and personal materials. All *Foreign Relations* volumes that include materials from NARA's Nixon Presidential Materials Project are processed and released in accordance with the PRMPA.

Declassification Review

The Office of Information Programs and Services, Bureau of Administration, conducted the declassification review for the Department of State of the documents published in this volume. The review was conducted in accordance with the standards set forth in Executive Order 13526 on Classified National Security Information and applicable laws.

The principle guiding declassification review is to release all information, subject only to the current requirements of national security as embodied in law and regulation. Declassification decisions entailed concurrence of the appropriate geographic and functional bureaus in the Department of State, other concerned agencies of the U.S. Government, and the appropriate foreign governments regarding specific documents of those governments. The declassification review of this volume began in 2015 and was completed in 2016. All of the documents in this volume had been reviewed and declassified before their selection

for inclusion in the volume. The Office of the Historian is confident, on the basis of research in the Nixon Presidential Library and in memoir literature, that transcripts of all the meetings between Kissinger and his North Vietnamese interlocutors concerning the negotiation of the Paris Peace Accords have been included.

Adam M. Howard, Ph.D.
General Editor

Stephen P. Randolph, Ph.D.
The Historian

Bureau of Public Affairs
December 2017

Preface

Structure and Scope of the Foreign Relations Series

This volume is part of a subseries of volumes of the *Foreign Relations* series that documents the most important issues in the foreign policy of Presidents Richard M. Nixon and Gerald R. Ford. The subseries presents a comprehensive documentary record of major foreign policy decisions and actions of both Presidents. This specific volume documents the U.S. negotiations in Paris with the Democratic Republic of (North) Vietnam from August 1969 to December 1973.

Focus of Research and Principles of Selection for Foreign Relations, 1969–1976, Volume XLII

Consisting primarily of the memoranda of conversation between the President's Assistant for National Security Affairs, Henry A. Kissinger, and North Vietnamese Politburo Member and Special Adviser to the North Vietnamese Delegation, Le Duc Tho (except for a small number of occasions when senior North Vietnamese diplomat Xuan Thuy substituted for Tho), this volume focuses on the negotiations that led to the Paris Peace Accords on January 27, 1973, and on post-Accords meetings in 1973 (February, May, June, and December) between Kissinger and Tho. Except for the Hanoi round of meetings in February 1973, all the meetings took place in Paris.

Presented chronologically, the documents in this volume—memoranda of conversation recording the meetings—show, among other things: 1) the evolution of the U.S. and North Vietnamese positions in the negotiations, 2) how the parties reached agreement on the Accords, also called the agreement or the settlement, and 3) how the Accords failed to lead to a stable cease-fire or to a political settlement of the conflict.

The negotiations comprised 68 meetings in 27 rounds, from August 4, 1969, to December 20, 1973, with each negotiating round consisting of a meeting or meetings in Paris (except for one round in Hanoi) between Kissinger and his opposite number, usually Le Duc Tho. Initially, a meeting round generally meant a single meeting on a single day. From October 1972, however, each round tended to have five or more meetings except the last one which contained two sessions. Appendix 1 at the end of the volume lists the date and major participants of each meeting.

The negotiations following the signing of the peace agreement trace the course and dynamics of the unraveling of the Paris Peace Ac-

cords. The first round took place in Hanoi in February 1973, as Kissinger conducted his long-discussed visit to the North Vietnamese capital in order to begin the work of implementing the accords. As fighting continued almost unabated and the enforcement mechanisms for the accords became increasingly ineffectual, the two sides met again in May–June 1973 to reaffirm the accords and attempt to establish a stable peace. This effort failed as well, leading to the final session on December 20, 1973.

The principle of document selection for this volume was straightforward: include the transcripts of all of Kissinger's meetings with the North Vietnamese discussing a negotiated end to the war. In addition to the negotiating record presented by the memoranda of conversation, the volume includes two significant additions to the official documentary record of these protracted negotiations. Appendix 2 consists of the agreement reached by Kissinger and Le Duc Tho as they concluded their marathon round of negotiations on October 17, 1972. This agreement did not come into effect, however, as it was quickly rejected by South Vietnamese President Nguyen Van Thieu, who refused to accept its major terms. More negotiations followed, which ultimately resulted in the occasion of the Paris Peace Accords, formally known as the Agreement on Ending the War and Restoring the Peace in Vietnam, initialed by Kissinger and Le Duc Tho on January 23, 1973, and formally signed by representatives of the United States, the Republic of Vietnam, the Democratic Republic of Vietnam, and the Provisional Revolutionary Government on January 27. The accords consist of an agreement, four attached protocols, and a number of understandings negotiated and agreed to by Kissinger and Le Duc Tho. While the agreement and protocols were published at the time, by agreement of the two parties, the understandings were not published, and were meant to remain secret. The final texts of several of these understandings are printed in Appendix 3.

The documentary history of the larger policy context of the negotiations in the Nixon years can be found in the following volumes: *Foreign Relations*, 1969–1976, Volume VI, Vietnam, January 1969–July 1970; *Foreign Relations*, 1969–1976, Volume VII, Vietnam, July 1970–January 1972; *Foreign Relations*, 1969–1976, Volume VIII, Vietnam, January–October 1972; *Foreign Relations*, 1969–1976, Volume IX, Vietnam, October 1972–January 1973; and *Foreign Relations*, 1969–1976, Volume X, Vietnam, January 1973–July 1975.

Acknowledgments

The editor wishes to acknowledge the assistance of officials at the Nixon Presidential Materials Project of the National Archives and Records Administration at College Park, Maryland (Archives II). He also wishes to acknowledge the Richard Nixon Estate for allowing access to

the Nixon Presidential recordings and the Richard Nixon Library & Birthplace for facilitating that access. Furthermore, the editor acknowledges the care and professionalism with which Historian's Office staff has handled the copy and technical editing and the declassification review.

Additionally, he wishes to thank the following individuals—Merle Pribbenow, David Geyer, Melissa Heddon, and Stephen Randolph—for critical contributions to this compilation.

Many who research, write, and, as in this case, prepare documentary histories on the Vietnam War are indebted to Merle Pribbenow—none more so than this editor. Pribbenow possesses an expert knowledge of: the Vietnamese language; the history of Vietnamese Communism; and the larger history of the Vietnam War. For this volume he fielded the editor's numerous questions about the enemy side, questions whose answers allowed the editor to avoid missteps. More importantly, Pribbenow made available his translations of message traffic between the Politburo in Hanoi and Le Duc Tho in Paris, and translations of relevant enemy memoirs, histories, monographs, and official reports. Excerpts from these translations appear in the compilation's footnotes, and there add breadth and depth to understanding the enemy side in these complex negotiations and, therefore, albeit indirectly, the U.S. side as well.

Former colleague, David Geyer, now Chief of the Europe Division, in 2010 saw this improbable project not only as probable but necessary and in subsequent discussions helped give it shape. Additionally, he and William Burr, Senior Analyst at the National Security Archive, made substantive contributions to compiling a comprehensive list of Kissinger's 1969–1973 meetings with the North Vietnamese, a task more challenging than one might suppose. Geyer also took time from his own research at the Nixon Presidential Library to obtain transcripts of several memoranda of conversation missing from the editor's collection.

Archivist extraordinaire at the Nixon Presidential Library in California, Melissa Heddon in 2010–2011 and 2015–2017 made it possible for the editor to conduct research important to the project long distance.

The editor also wishes to thank Rita Baker, Mandy A. Chalou, Vickie Ettleman, and Matthew R.G. Regan who carried out their challenging copy and technical editing duties with commendable skill.

Last but certainly not least, The Historian, Stephen Randolph, from mid-2013 on, provided the indispensable high-level support necessary to see the volume through to publication.

John M. Carland collected the documents, made the selections, and annotated the documents, under the supervision of Adam Howard, the

General Editor of the series. Jonathan Turner assisted on the compilation of the front matter. Stephen Randolph, *The Historian*, and Kathleen B. Rasmussen reviewed the volume. Chris Tudda coordinated the declassification review, under the supervision of Carl Ashley, Chief of the Declassification and Publishing Division.

John M. Carland
Historian

Contents

About the Series	III
Preface	VII
Sources	XIII
Abbreviations and Terms	XVII
Persons	XXI
Vietnam: The Kissinger–Le Duc Tho Negotiations, August 1969–December 1973	
Attempting the Impossible, August 1969–September 1970	1
Discovering the Possible, May 1971–September 1971	136
Stalemate and the Nadir of Negotiations, May 1972	262
Serious Negotiations and the October Settlement, July 1972–October 1972	285
Breakdown of Negotiations, November 1972–December 1972	793
Settlement Accomplished: The Accords Initialed and Signed, January 1973	1163
Attempting to Implement the Accords, February 1973–December 1973	1368
Appendix 1	1765
Appendix 2	1767
Appendix 3	1778

Sources

Sources for the Foreign Relations Series

The *Foreign Relations* statute requires that the published record in the *Foreign Relations* series include all records needed to provide comprehensive documentation of major U.S. foreign policy decisions and significant U.S. diplomatic activity. It further requires that government agencies, departments, and other entities of the U.S. Government engaged in foreign policy formulation, execution, or support cooperate with the Department of State historians by providing full and complete access to records pertinent to foreign policy decisions and actions and by providing copies of selected records. Most of the sources consulted in the preparation of this volume have been declassified and are available for review at the National Archives and Records Administration (Archives II) in College Park, Maryland.

The editors of the *Foreign Relations* series have complete access to all the retired records and papers of the Department of State: the central files of the Department; the special decentralized files ("lot files") of the Department at the bureau, office, and division levels; the files of the Department's Executive Secretariat, which contain the records of international conferences and high-level official visits, correspondence with foreign leaders by the President and Secretary of State, and memoranda of conversations between the President and Secretary of State and foreign officials; and the files of overseas diplomatic posts. All the Department's indexed central files through July 1973 have been permanently transferred to the National Archives and Records Administration at College Park, Maryland (Archives II). Many of the Department's decentralized office files covering the 1969–1976 period, which the National Archives deems worthy of permanent retention, have been transferred or are in the process of being transferred from the Department's custody to Archives II.

The editors of the *Foreign Relations* series also have full access to the papers of Presidents Nixon and Ford as well as other White House foreign policy records. Presidential papers maintained and preserved at the Presidential libraries include some of the most significant foreign affairs-related documentation from the Department of State and other Federal agencies including the National Security Council, the Central Intelligence Agency, the Department of Defense, and the Joint Chiefs of Staff. Dr. Henry Kissinger has approved access to his papers at the Library of Congress. These papers are a key source for the Nixon-Ford subseries of the *Foreign Relations* series.

Sources for Foreign Relations, 1969–1976, Volume XLII

In preparing this volume, the editor used almost exclusively the National Security Council (NSC) Files and the Henry A. Kissinger Office Files in Richard M. Nixon's Presidential papers as sources for the memoranda of conversation. Each collection can be found in Richard M. Nixon's Presidential papers. When the editor conducted the bulk of his research, Nixon's Presidential papers were housed at the Nixon Presidential Materials Project in the National Archives at College Park, Maryland; they have since moved to the Nixon Presidential Library and Museum in Yorba Linda, California.

Material in these two collections extensively documents the Nixon administration's management of its search for a negotiated peace in Southeast Asia. In the NSC Files, two files provided rich sources of documentation: 1) For the President's Files (Winston Lord)—China Trips/Vietnam and 2) For the President's Files—China/Vietnam Negotiations. In the Kissinger Office Files, the HAK Trip Files and the Country Files—Far East—Vietnam Negotiations provided similar valuable material. The Department of State's Central Files, 1970–1973, POL 27–14 VIET, in Record Group 59 of the National Archives, provided the transcript of the last Kissinger-Le Duc Tho meeting.

A variety of sources provided material for the substantive part of the source notes/annotations. These include documents printed in other *Foreign Relations* volumes, messages to and from Le Duc Tho and the Politburo in Hanoi, official histories from Communist Vietnam, memoir literature of major U.S. participants, and secondary accounts by historians.

The following list identifies the particular files and collections used in the preparation of this volume. In addition to the paper files cited below, a growing number of documents are available on the Internet. The Office of the Historian maintains a list of these Internet resources on its website and encourages readers to consult that site on a regular basis.

Unpublished Sources

Department of State

Central Files. See National Archives and Records Administration below.

National Archives and Records Administration, College Park, Maryland

Record Group 59, General Records of the Department of State

Central Files

POL 27–14 VIET: ceasefire in Vietnam

Nixon Presidential Materials Project

National Security Council Files

Alexander M. Haig Special File

For the President's Files (Winston Lord)—China Trip/Vietnam

For The President's Files—China/Vietnam Negotiations

Kissinger Office Files

Gerald R. Ford Presidential Library, Ann Arbor, Michigan

National Security Adviser Files

Memoranda of Conversations

Published Sources

Doan Duc, Ninh Van Hop, Tran Quoc Buu, Ho Thi Phuong Thao, compilers. *Major Events: The Diplomatic Struggle and International Activities During the Resistance War Against the Americans to Save the Nation, 1954–1975*. Volume 4. Hanoi: Ministry of Foreign Affairs, 1987. Quoted material translated by Merle Pribbenow.

Haig, Alexander M. *Inner Circles: How America Changed the World: A Memoir*. New York: Warner, 1992.

Haldeman, H.R. *The Haldeman Diaries: Inside the Nixon White House*. Santa Monica, CA: Sony Imagesoft, 1994. Multimedia Edition (CD-ROM).

———. *The Haldeman Diaries: Inside the Nixon White House*. New York: G.P. Putnam's Sons, 1994. Print Edition.

Kissinger, Henry A. *Ending the Vietnam War: A History of America's Involvement in and Ex-
trication from the Vietnam War*. New York: Simon & Schuster, 2003.

———. *White House Years*. Boston: Little, Brown and Company, 1979.

———. *Years of Upheaval*. Boston: Little, Brown and Company, 1982.

Luu Van Loi and Nguyen Anh Vu. *Le Duc Tho-Kissinger Negotiations in Paris*. Hanoi: The Gioi Publishers, 1996.

———. *The Le Duc Tho-Kissinger Negotiations in Paris* [Cac Cuoc Thuong Luong Le Duc Tho-Kissinger Tai Paris]. Vietnamese language edition. Hanoi: The Gioi Publishers, 1996. Quoted material translated by Merle Pribbenow.

Nguyen, Lien-Hang T. *Hanoi's War: An International History of the War for Peace in Vietnam*. Chapel Hill: The University of North Carolina Press, 2012.

U.S. Department of State. *Foreign Relations, 1969–1976*, volume VI, Vietnam, January 1969–July 1970. Washington: U.S. Government Printing Office, 2006.

———. *Foreign Relations, 1969–1976*, volume VII, Vietnam, July 1970–January 1972. Washington: U.S. Government Printing Office, 2010.

———. *Foreign Relations, 1969–1976*, volume VIII, Vietnam, January–October 1972. Washington: U.S. Government Printing Office, 2010.

———. *Foreign Relations, 1969–1976*, volume IX, Vietnam, October 1972–January 1973. Washington: U.S. Government Printing Office, 2010.

———. *Foreign Relations, 1969–1976*, volume X, Vietnam, January 1973–July 1975. Washington: U.S. Government Printing Office, 2010.

Walters, Vernon A. *Silent Missions*. Garden City, NY: Doubleday and Company, 1978.

Abbreviations and Terms

ABC, American Broadcasting Company

AFP, *Agence France Presse*, a French news agency

Avenue Kléber (also Ave. Kléber or Kléber), address of the International Conference Center at the Hotel Majestic in Paris, the site of the (plenary) Paris Peace Talks; *see also* Paris Peace Talks

B-52 Stratofortress, a heavy bomber used for both strategic and tactical bombing

ban phong tom, Vietnamese dish of shrimp flour chips

La Celle St. Cloud (also St. Cloud), a suburb of Paris, the location of the post-Accord meetings between the Republic of (South) Vietnam and the Democratic Republic of (North) Vietnam to establish a National Council of National Reconciliation and Concord, which began in March 1973

cha gio, minced pork buns, Vietnamese dish made of fried rice paper filled with meat and vegetables

Choisy-le-Roi (also Choisy), a suburb of Paris, the location of one of the residences of the Democratic Republic of (North) Vietnam at 11 Rue Darthé, used as a venue for the Kissinger-Le Duc Tho negotiations

CIA, Central Intelligence Agency

CJCS, Chairman, Joint Chiefs of Staff

dikes, Red River Delta, an intricate, centuries-old system of dikes that controlled irrigation in the low-lying areas of the Red River Delta of North Vietnam and protected those who lived and worked there

DMZ, demilitarized zone; established roughly at Vietnam's 17th parallel to a width not more than five kilometers each side of the demilitarized zone

DMZL, *see* DMZ

don doc, Vietnamese word that translates as "supervision" or "control"

DRV (also DRVN), Democratic Republic of (North) Vietnam

Eight Points, peace plan presented by President Nixon in a May 14, 1969, speech to the nation; peace plan presented by Kissinger on August 16, 1971, at his meeting with Xuan Thuy; peace plan presented by the PRG Delegation on September 17, 1970, at the (plenary) Paris Peace Talks

FANK, *Forces armées nationales khmères* (Khmer National Armed Forces)

FARK, *Forces armées royales khmères* (Royal Khmer Armed Forces)

La Fontaine au Blanc, U.S.-owned villa in the Paris suburb of St. Nom la Bretèche, used as a venue for the Kissinger-Le Duc Tho negotiations

FUNK, *Front uni national du kampuchéa* (National United Front of Kampuchea)

Geneva Agreement (or Accords) of 1954 on Indochina, agreement of July 1954 reached at a multilateral conference in Geneva that ended the French role in Indochina. The agreement partitioned Vietnam at the 17th parallel, established a DMZ, and called for elections within 2 years; neither the United States nor South Vietnam signed the Agreement. The Communists established a government in the North in Hanoi under Ho Chi Minh, and the non-Communists, supported by the United States, established a government in the South in Saigon (*see Foreign Relations, 1952–1954, volume XVI, The Geneva Conference*).

Geneva Agreement (or Accords) of 1962 on Laos, agreement of July 1962 reached at a multilateral conference in Geneva, which established Laotian neutrality. Fourteen states pledged to respect Laotian neutrality and territorial integrity and refrain from interference in Laotian internal affairs and from establishing military bases in Laos. Since the North Vietnamese troops did not withdraw as promised, the agreement effectively ceded eastern Laos to the Communists (see *Foreign Relations*, 1961–1963, volume XXIV, Laos Crisis).

GI, government issue, shorthand for a U.S. soldier

Gif-sur-Yvette (also Gif), a Paris suburb, the location of the property at 108 Avenue du Général Leclerc used as a venue for the Kissinger-Le Duc Tho negotiations

GMT, Greenwich Mean Time

GNU, Government of National Union (Laos)

golf course, shorthand for the venue at St. Nom la Bretèche, the site of a famous golf course

GRUNK, *Gouvernement royal d'union nationale du kampuchéa* (Royal Government of National Union of Kampuchea, Royal Khmer National Union Government)

GVN, Government of (South) Vietnam

HAK, Henry A. Kissinger

Hakto (also HAKTO), series indicator for messages sent from Henry A. Kissinger while away from Washington

ICC, International Control Commission, established under the 1954 Geneva Agreement on Indochina and incorporated into the 1962 Geneva Agreement on Laos

ICCS, International Commission of Control and Supervision; organization created by the 1973 Paris Peace Accords to supervise the cease-fire

JCS, Joint Chiefs of Staff

JEC, Joint Economic Commission

JMC, Joint Military Commission

Kléber, *see* Avenue Kléber

Kontum, a province in South Vietnam's Central Highlands opposite Laos

Lam Son (also Lamson) 719, a February–March 1971 operation in Laos by South Vietnamese forces to interdict the Ho Chi Minh Trail

LPF, Laotian Patriotic Front, political arm of the Pathet Lao

MACV, Military Assistance Command, Vietnam

Majestic Hotel, *see* Avenue Kléber

memcon, memorandum of conversation

MIA, missing in action

Moscow Summit, U.S.-Soviet meeting at Moscow between President Nixon and General Secretary Brezhnev May 22–29, 1972 (see *Foreign Relations*, 1969–1976, volume XIV, Soviet Union, October 1971–May 1972)

MR, military region

NCNRC, National Council of National Reconciliation and Concord

nem, nem ran, *see* cha gio

Neuilly-sur-Seine (also Neuilly), a Paris suburb, the location of the property at 31 Boulevard de la Saussaye used as a venue for the Kissinger-Le Duc Tho negotiations

NFC, National Front of Cambodia

Nhan Dan, Quan Doi Nhan Dan, DRV military newspaper

Nine Points, peace plan presented by Xuan Thuy on June 26, 1971, at the Kissinger-Le Duc Tho negotiations

Nixon Doctrine (also known as the Guam Doctrine), U.S. policy enunciated by President Nixon in 1969 whereby the United States would expect its allies to assume the main role in their defense, although providing assistance and support as requested and protection from a nuclear power

NLF, National Liberation Front, Communist front organization in South Vietnam acting as political government of the insurgency; later renamed Provisional Revolutionary Government of Vietnam

NLHX (NLHZ), Neo Lao Hak Xat (Zat), the political arm of the Pathet Lao

NSC, National Security Council

NVA, North Vietnamese Army, term used by the United States for the People's Army of (North) Vietnam

NVN, North Vietnam

P, President Nixon

pacification, the military, political, economic, and social process of establishing or re-establishing local government responsive to and involving the participation of the people; it includes the provision of sustained, credible territorial security, the destruction of the enemy's underground government (infrastructure), the assertion or re-assertion of political control and involvement of the people in government, and the initiation of economic and social activity capable of self-sustainment and expansion

Paris Peace Talks, a loosely defined term that, depending on context, could mean the secret meetings between Henry Kissinger for the United States and Le Duc Tho for the Democratic Republic of (North) Vietnam or the 174 meetings of the public talks held from 1968 to 1973 between the United States and the Republic of (South) Vietnam on one side and the Democratic Republic of (North) Vietnam and the Provisional Revolutionary Government of Vietnam on the other; the latter were also known as Pleanary or Avénue Kléber talks

PAVN, People's Army of (North) Vietnam

PDJ, Plaine des Jarres (Plain of Jars), strategically important area of Laos

Pentagon Papers, multi-volume classified history, entitled *United States-Vietnam Relations, 1945-1967*, that Secretary of Defense McNamara commissioned; later leaked to *The New York Times* in June 1971

Phoenix, the Phoenix Program, known as Phuong Hoang in Vietnamese, was a joint U.S. and Vietnamese intelligence program, which aimed at identifying, locating, and destroying the Viet Cong infrastructure in the villages and capturing its membership, particularly the leaders

PL, Pathet Lao

PLAF, People's Liberation Armed Forces, Communist forces in South Vietnam, synonymous with Viet Cong

PMDL, Provisional Military Demarcation Line, *see* DMZ

Politburo, Political Bureau; the executive body of the Central Committee of the Communist Party in many Marxist-Leninist regimes including the Democratic Republic of (North) Vietnam

POW, prisoner(s) of war

PR, public relations

PRC, People's Republic of China

PRG, Provisional Revolutionary Government of Vietnam, political wing of the South Vietnamese Communist movement, replaced the National Liberation Front (NLF), but the terms are often used interchangeably

Quang Tri, northernmost province of the Republic of (South) Vietnam, located immediately south of the DMZ, and between Laos to the west and the South China Sea to the east

RLG, Royal Lao Government

Rue Darthé, 11 Rue Darthé, the address of one of the residences of the Democratic Republic of (North) Vietnam in the Paris suburb of Choisy-le-Roi used as a venue for the Kissinger-Le Duc Tho negotiations

RVN, Republic of (South) Vietnam

RVNAF, Republic of (South) Vietnam Armed Forces

SALT, Strategic Arms Limitation Talks

SEATO, Southeast Asia Treaty Organization

Seven Points, peace plan presented by Kissinger on May 31, 1971, at his meeting with Le Duc Tho; peace plan presented by the NLF Delegation in July 1971 at the (plenary) Paris Peace Talks

sortie, a single mission flown by a military aircraft; the total number of uses of an individual aircraft

St. Cloud, *see* La Celle St. Cloud

strategic hamlets, a South Vietnamese Government program to counter Viet Cong control in the countryside. The government relocated farmers into fortified hamlets to provide defense, economic aid, and political assistance to residents. The hope was that protection from Viet Cong raids and taxation would bind the rural populace to the government and gain their loyalty. The program started in 1962, but was fatally undermined by over expansion and poor execution. By 1964 it had clearly failed.

SV (also SVN), South Vietnam

Ten Points, peace plan presented by NLF delegate Madame Binh on May 8, 1969, at the (plenary) Paris Peace Talks; peace plan presented by Le Duc Tho on August 1, 1972, at his meeting with Kissinger; peace plan presented by Kissinger on August 14, 1972, at his meeting with Le Duc Tho

Tet, Vietnamese New Year

Thua Thien, a province in South Vietnam's Central Highlands opposite Laos and the South China Sea

Tohak (also TOHAK), series indicator for messages sent to Henry A. Kissinger while away from Washington

Twelve Points, peace plan presented by Kissinger on August 1, 1972, at his meeting with Le Duc Tho

Two-Point Elaboration, elaboration of the Ten Point peace plan presented by the DRV Delegation on February 2, 1972, at the (plenary) Paris Peace Talks

UPI, United Press International

USA, United States Army

USAF, United States Air Force

USN, United States Navy

Viet Cong, *see* PLAF

Vietnamization, U.S. policy during the Nixon administration of transferring the management and fighting of the war to the Republic of (South) Vietnam

VNAF, (South) Vietnamese Air Force

Persons

Abrams, Creighton W., General, USA; Commander, United States Military Assistance Command, Vietnam (MACV) from July 3, 1968, until June 28, 1972; Army Chief of Staff from October 12, 1972, until September 4, 1974

Agnew, Spiro T., Vice President of the United States from January 20, 1969, until October 10, 1973

Aldrich, George H., Deputy Legal Adviser, Department of State

Alsop, Joseph, journalist and syndicated columnist, a supporter of the U.S. effort in Vietnam

Andrews, Bonnie D., notetaker, U.S. Delegation to the Kissinger-Le Duc Tho negotiations

Bacherman, William J., member, U.S. Secret Service detail to protect Secretary of State Kissinger

Bai, Dang Nghiem, *see* Dang Nghiem Bai

Bao Dai, exiled Emperor of Vietnam

Binh, Nguyen Thi, *see* Nguyen Thi Binh

Bo, Mai Van, *see* Mai Van Bo

de Borchgrave, Arnaud, correspondent, *Newsweek*

Branfman, Fred, U.S. anti-war peace activist

Brezhnev, Leonid, General Secretary of the Communist Party of the Soviet Union

Bruce, David K.E., Head of the U.S. Delegation to the (plenary) Paris Peace Talks from July 1970 until July 1971

Bui Diem, RVN Ambassador to the United States until 1972

Bunker, Ellsworth, U.S. Ambassador to the Republic of (South) Vietnam from April 28, 1967, until May 11, 1973

Butterfield, Alexander P., Deputy Assistant to the President

Campbell, Richard P., member, National Security Council Staff

Chiao Kuan-hua, Vice Foreign Minister, People's Republic of China

Chou En-lai (Zhou Enlai), Premier of the People's Republic of China

Churchill, Sir Winston L.S., British Prime Minister from 1940 until 1945, and again from 1951 until April 1955

Clifford, Clark M., Secretary of Defense from March 1, 1968, until January 20, 1969

Co, Tran Quang, *see* Tran Quang Co

Colby, William E., Deputy Director, Civil Operations and Revolutionary Development Support (CORDS) in South Vietnam, 1968; Director, CORDS, from 1968 until 1972; Executive Director-Comptroller, Central Intelligence Agency, 1973; Director of Central Intelligence from September 1973 until January 1976

Cung, Phung Manh, *see* Phung Manh Cung

Dang Nghiem Bai, member, DRV Delegation to the Kissinger-Le Duc Tho negotiations

Dellinger, David T., U.S. anti-war activist

Derus, Irene G., notetaker, U.S. Delegation to the Kissinger-Le Duc Tho negotiations

Diem, Bui, *see* Bui Diem

Diem, Ngo Dinh, *see* Ngo Dinh Diem

Dinh Nho Liem, Ministry of Foreign Affairs, Democratic Republic of (North) Vietnam

Do, Tran Van, *see* Tran Van Do

Dobrynin, Anatoly F., Soviet Ambassador to the United States

- Dong Nghiem Bai**, member, DRV Delegation to the Kissinger-Le Duc Tho negotiations
- Dong, Pham The**, *see* Pham The Dong
- Dong, Pham Van**, *see* Pham Van Dong
- Duc, Nguyen Phu**, *see* Nguyen Phu Duc
- Dulles, John Foster**, Secretary of State from January 21, 1953, until April 22, 1959
- Duong Van Minh “Big Minh,”** Lieutenant General, ARVN, South Vietnamese political activist
- Eagleburger, Lawrence S.**, member, National Security Council Staff, 1969, and again from 1973 to 1975; Executive Assistant to the Secretary of State from September 1973
- Eaton, Cyrus S.**, U.S.-Canadian businessman, philanthropist, and banker; noted for his criticism of U.S. Cold War policy and amateur efforts to improve trade and diplomatic relations between the West and the Eastern Bloc
- Ellsberg, Daniel**, civilian analyst of military affairs for the U.S. Government and Rand Corporation who leaked the classified Pentagon Papers
- Engel, David A.**, member, National Security Council Staff; Vietnamese language interpreter, U.S. Delegation to the Kissinger-Le Duc Tho negotiations; Vietnamese language interpreter, Department of State, 1973
- Fonda, Jane**, U.S. film actress, anti-war activist
- Fulbright, J. William**, Senator (D-Arkansas); Chairman, Senate Foreign Relations Committee until 1974
- Gandhi, Indira**, Indian Prime Minister
- Giap, Vo Nguyen**, *see* Vo Nguyen Giap
- Gibbons, Harold J.**, U.S. trade unionist; former International Vice President of the Teamsters Union
- Godley, G. McMurtrie**, U.S. Ambassador to Laos from July 24, 1969, until April 23, 1973
- Gromyko, Andrei A.**, Soviet Foreign Minister
- Guay, Georges R.**, Colonel, USAF; Air Attaché, U.S. Embassy in Paris; conduit for U.S. messages to North Vietnamese in Paris, also handled logistical arrangements for Kissinger and his party during negotiating trips to Paris
- Ha Van Lau**, Deputy Head of the DRV Delegation to the (plenary) Paris Peace Talks
- Habib, Philip C.**, member, U.S. Delegation to the (plenary) Paris Peace Talks, May 1968 to October 1971; U.S. Ambassador to Korea, September 30, 1971, to August 19, 1974
- Haig, Alexander M., Jr.**, Senior Military Adviser to the Assistant to the President for National Security Affairs, January 1969 to June 1970; Deputy Assistant to the President for National Security Affairs to January 1973; Army Vice Chief of Staff, January to August 1973; Assistant to the President and White House Chief of Staff, August 1973 to August 1974; Brigadier General as of November 1969, Major General as of March 1972, and General as of January 1973
- Haldeman, H.R. “Bob,”** Assistant to the President and White House Chief of Staff, from January 1969 until April 1973
- Halperin, David R.**, member, National Security Council Staff
- Halperin, Morton H.**, Assistant for Programs, National Security Council Staff, January to September 1969
- Harriman, W. Averell**, U.S. Ambassador at Large; Head of the U.S. Delegation to the (plenary) Paris Peace Talks until January 17, 1969
- Hieu, Nguyen Van**, *see* Nguyen Van Hieu
- Ho Chi Minh**, leader of the Vietnamese Communist Party and President of the Democratic Republic of (North) Vietnam until his death in 1969
- Hoa, Hoang**, *see* Hoang Hoa

Hoang Duc Nha, South Vietnamese President Thieu's press secretary, nephew, and confidant

Hoang Hoa, Colonel, People's Army of Vietnam; member, DRV Delegation to the Kissinger-Le Duc Tho negotiations, from May until June 1973

Hoffa, James F., former President of the Teamsters Union

Hou Youn, Khmer Rouge official

Howe, Jonathan, Lieutenant Commander, USN; member, National Security Council Staff from 1970 until 1972

Hu Nim, Khmer Rouge official

Humphrey, Hubert H., Vice President of the United States from 1965 until 1969; Senator (D-Minnesota) from 1971 until 1978

Huong, Tran Van, *see* Tran Van Huong

Ieng Sary, co-founder and senior member of the Khmer Rouge

Isham, Heyward, Deputy Chief of the U.S. Delegation to the (plenary) Paris Peace Talks

Kennedy, John F., President of the United States from January 20, 1961, until November 22, 1963

Kennedy, Richard T., Colonel, USA; member, National Security Council Staff from 1969 to 1975

Kennedy, Robert F., Attorney General, from January 20, 1961, until September 3, 1964

Khieu Samphan, Khmer Rouge official and Defense Minister of Prince Norodom Sihanouk's government-in-exile, Royal Government of National Union of Cambodia (GRUNK)

Kiem, Tran Buu, *see* Tran Buu Kiem

Kissinger, Henry A., Assistant to the President for National Security Affairs, from January 20, 1969, to November 3, 1975; Secretary of State from September 22, 1973 until January 20, 1977

Klein, Herbert G., White House Communications Director

Kraft, Joseph, columnist and journalist for various newspapers, including *The Washington Post*, *The New York Times*, and *The Los Angeles Times*, and for Field Newspapers Syndicate

Ky, Nguyen Cao, *see* Nguyen Cao Ky

Laird, Melvin R., Secretary of Defense from January 22, 1969, until January 29, 1973

Lake, W. Anthony, member, National Security Council Staff, from June 1969 until April 1970

Lam, Pham Dang, *see* Pham Dang Lam

Lam, Tran Van, *see* Tran Van Lam

Lau, Ha Van, *see* Ha Van Lau

Le Bao, member, DRV delegation to the Kissinger-Le Duc Tho negotiations

Le Duan, member, Politburo of the Democratic Republic of (North) Vietnam

Le Duc Tho, member, Politburo of the Democratic Republic of (North) Vietnam and Special Advisor to and de facto Head of the DRV Delegation to the negotiations with Kissinger; Special Advisor to the President of the Democratic Republic of (North) Vietnam from January 1973

Léger, Fernand, French Modernist painter, sculptor, and filmmaker, and member of the French Communist Party; his home, which he donated to the Party at his death in 1955, was used as one of the venues for the Kissinger-Le Duc Tho negotiations

Lewis, Anthony, journalist and columnist, *The New York Times*

Lewis, Flora, U.S. anti-war activist and journalist

Liem, Dinh Nho, *see* Dinh Nho Liem

Lodge, Henry Cabot, II, Head of the U.S. Delegation to the (plenary) Paris Peace Talks from January 20 until November 20, 1969

Loi, Luu Van, *see* Luu Van Loi

Lon Nol, Cambodian Prime Minister and Minister of National Defense, June 1969; led coup that deposed Prince Norodom Sihanouk in March 1970; Prime Minister and Minister of National Defense after March 18, 1970; President of Khmer Republic from 1972 until 1975

Long, Bonnie, notetaker, U.S. Delegation to the Kissinger-Le Duc Tho negotiations

Lord, Winston, member, National Security Council Staff from 1969 until 1973; Director, Policy Planning Staff, Department of State from October 1973 until 1977

Lowenstein, James G., staff member, Senate Foreign Relations Committee

Luce, Don, U.S. anti-war activist

Luu Van Loi, member and legal adviser, DRV Delegation to the Kissinger-Le Duc Tho negotiations in late 1972 and early 1973; later co-author of *Le Duc Tho-Kissinger Negotiations in Paris*

Mai Van Bo, DRV Delegate General in Paris until November 1970

Mao Tse-tung (Mao Zedong), Chairman of the Central Committee of the Chinese Communist Party

Martin, Graham A., U.S. Ambassador to the Republic of (South) Vietnam from July 20, 1973, until April 29, 1975

Matak, *see* Sirik Matak

McCain, John S., Jr., Admiral, USN; Commander in Chief, Pacific, until September 1, 1972

McCauley, Brian, Rear Admiral, USN; Commander of the Mine Countermeasures Task Force (Task Force 78) charged with clearing the mines placed in DRV territorial waters during the Vietnam war

McGovern, George S., Senator (D-South Dakota) and Democratic nominee for President in 1972

McLeod, Gary, member, U.S. Secret Service detail to protect Secretary of State Kissinger, 1973

McNamara, Robert S., Secretary of Defense from January 21, 1961, until February 29, 1968; President of the World Bank from April 1, 1968, until June 30, 1981

Minh, Duong Van, *see* Duong Van Minh

Moorer, Thomas H., Admiral, USN; Chief of Naval Operations from August 1, 1967 until July 1, 1970; Chairman, Joint Chiefs of Staff from July 2, 1970, until July 1, 1974

Moose, Richard M., member, National Security Council Staff from 1969 until 1971; thereafter, staff member, Senate Foreign Relations Committee

Negroponte, John D., Foreign Service Officer in Saigon from 1964 until 1968; attached to U.S. Delegation to (plenary) Paris Peace Talks from 1968 until 1969; member, National Security Council Staff from 1970 until 1973

Ngac, Pham, *see* Pham Ngac

Ngo Dinh Diem, President of the Republic of (South) Vietnam from 1955 until 1963

Nguyen Anh Vu, Vietnamese writer, co-author of *Le Duc Tho-Kissinger Negotiations in Paris*

Nguyen Cao Ky, Major General, VNAF; Vice President of the Republic of (South) Vietnam

Nguyen Co Thach, Vice Minister of Foreign Affairs, Democratic Republic of (North) Vietnam

Nguyen Dinh Phuong, interpreter, DRV Delegation to the Kissinger-Le Duc Tho negotiations

Nguyen Duy Trinh, Deputy Premier and Minister of Foreign Affairs, Democratic Republic of (North) Vietnam from 1965 until 1976; member, Politburo from 1960 until 1976

- Nguyen Luu Vien**, Deputy Premier of the Republic of (South) Vietnam; Head of the RVN Delegation to the post-Accords RVN-DRV conference at La Celle St. Cloud
- Nguyen Minh Vy**, member, DRV Delegation to the Kissinger-Le Duc Tho negotiations
- Nguyen Phu Duc**, Political Adviser and Special Assistant for Foreign Relations to South Vietnamese President Thieu until 1974 and Acting Foreign Minister (1973)
- Nguyen Thi Binh**, often referred to as Madame Binh, Foreign Minister, Provisional Revolutionary Government, and Head of the NLF/PRG Delegation to the (plenary) Paris Peace Talks from 1969 until 1972
- Nguyen Van Hieu**, General Secretary of the National Liberation Front and Minister of State, Provisional Revolutionary Government
- Nguyen Van Thieu**, President of the Republic of (South) Vietnam
- Nguyen Xuan**, member, DRV delegation to the Kissinger-Le Duc Tho negotiations
- Nha, Hoang Duc**, *see* Hoang Duc Nha
- Nixon, Richard M.**, President of the United States from January 20, 1969, until August 9, 1974
- Norodom Sihanouk**, Prince, Head of State of Cambodia until March 18, 1970; thereafter, leader of the Cambodian government-in-exile in Beijing (GRUNK)
- Passman, Otto E.**, Democratic Representative from Louisiana; Chairman of the House Foreign Aid Appropriations Subcommittee until 1976
- Penn Nouth**, *see* Samdech Penn Nouth
- Pham Dang Lam**, Head of the RVN Delegation to the (plenary) Paris Peace Talks
- Pham Ngac**, member, DRV Delegation to the Kissinger-Le Duc Tho negotiations
- Pham The Dong**, notetaker, DRV Delegation to the Kissinger-Le Duc Tho negotiations
- Pham Van Dong**, Prime Minister, Democratic Republic of (North) Vietnam
- Phan Hien**, member, DRV Delegation to the Kissinger-Le Duc Tho negotiations
- Phouma**, *see* Souvanna Phouma
- Phoumi Vongvichit**, Deputy Prime Minister and Minister of Foreign Affairs, Laos, until December 1975
- Phung Manh Cung**, Vice Chief of Protocol, Democratic Republic of (North) Vietnam
- Phuong, Tran Kim**, *see* Tran Kim Phuong
- Pineau, Julianne L.**, notetaker, U.S. Delegation to the Kissinger-Le Duc Tho negotiations
- Pompidou, Georges**, President of France from 1969 until 1974
- Porter, William J.**, Head of the U.S. Delegation to the (plenary) Paris Peace Talks from 1971 until 1974
- Randal, Jonathan**, correspondent, *The New York Times*
- Ready, John D.**, member, U.S. Secret Service detail to protect Secretary of State Kissinger, 1973
- Richardson, Elliot L.**, Secretary of Defense from January 30 until May 24, 1973
- Rodman, Peter W.**, member, National Security Council Staff from 1969 until 1977
- Rogers, William P.**, Secretary of State from January 22, 1969, until September 3, 1973
- Rostow, Walt W.**, Assistant to the President for National Security Affairs from April 1, 1966, until January 20, 1969
- Rusk, Dean**, Secretary of State from January 21, 1961, until January 20, 1969
- Ryan, Kathleen Anne**, notetaker, U.S. Delegation to the Kissinger-Le Duc Tho negotiations
- Sainteny, Jean**, friend of Henry Kissinger and former French official in Indochina with contacts to the leadership of the Democratic Republic of (North) Vietnam
- Salisbury, Harrison E.**, correspondent, *The New York Times*; assistant managing editor from 1964 until 1972; associate editor from 1972 until 1973
- Samdech Penn Nouth**, senior member of the King of Cambodia's High Council and Director-General of Services at the Royal Palace

Schlesinger, James R., Chairman of the Atomic Energy Commission from July 1971 until February 1973; Director of Central Intelligence from February 2 until July 2, 1973; Secretary of Defense from July 2, 1973, until November 19, 1975

Schumann, Maurice, French Foreign Minister from June 1969 until April 1973

Scowcroft, Brent, Lieutenant General, USAF; Military Assistant to the President from February 1972 until August 1973; Deputy Assistant to the President for National Security Affairs from August 1973 until November 1975; Assistant to the President for National Security Affairs from November 1975 until January 1977; promoted Brigadier General, March 1972, Major General, October 1973, Lieutenant General, August 1974; retired from military, December 1975

Sihanouk, *see* Norodom Sihanouk

Sirik Matak (Sisowath Sirik Matak), Prince, cousin of Norodom Sihanouk, influential Cambodian politician and statesman; actively supported Lon Nol's coup against Sihanouk

Smyser, W. Richard, adviser to the U.S. Delegation to the (plenary) Paris Peace Talks, 1969; member, Operations Staff, East Asia Division, National Security Council Staff, after 1970

Sonnenfeldt, Helmut, member, National Security Council Staff from 1969 until 1974

Soth Phetrasy, Pathet Lao official and representative at the negotiations with the United States on the 1973 Vientiane Agreement and on POWs

Souphanouvong, Prince, half-brother of Souvanna Phouma, leader in the Pathet Lao closely allied with Vietnamese Communists

Souvanna Phouma, Prince, half-brother of Souphanouvong, Head of Government of Laos on several occasions until 1975; represented neutralist forces

Stearman, William L., member, National Security Council Staff from 1971 until 1976

Stearns, Monteagle, Deputy Assistant Secretary of State for East Asian and Pacific Affairs from December 1973

Stifflemire, Mary, notetaker, U.S. Delegation to the Kissinger-Le Duc Tho negotiations

Suharto, General, Acting President of Indonesia, 1967; President from 1968

Sullivan, William H., U.S. Ambassador to Laos from 1964 until March 1969; Deputy Assistant Secretary of State for East Asian and Pacific Affairs, and Chairman, Interdepartmental Group on Vietnam until July 1973; thereafter, U.S. Ambassador to the Philippines

Tanaka Kakuei, Japanese Prime Minister from July 7, 1972, until December 9, 1974

Taub, William L., attorney for former Teamsters Union President James F. Hoffa

Thach, Nguyen Co, *see* Nguyen Co Thach

Thai, Trinh Ngoc, *see* Trinh Ngoc Thai

Thieu, Nguyen Van, *see* Nguyen Van Thieu

Tho, Le Duc, *see* Le Duc Tho

Thompson, Richard S., interpreter, U.S. Delegation to the Kissinger-Le Duc Tho negotiations

Thuy, Xuan, *see* Xuan Thuy

Tran Buu Kiem, Head of the NLF Delegation to the (plenary) Paris Peace Talks from 1968 until 1969

Tran Kim Phuong, RVN Ambassador to the United States

Tran Quang Co, member, DRV Delegation to the Kissinger-Le Duc Tho negotiations

Tran Thien Khiem, Prime Minister, Republic of (South) Vietnam until late 1969

Tran Van Do, Foreign Minister, Republic of (South) Vietnam from 1954 until 1955 and again from 1967 until 1968

Tran Van Huong, Prime Minister, Republic of (South) Vietnam from October 1964 until January 1965 and May until August 1969; Vice President from 1971 until 1975; President from April 21 until 28, 1975

Tran Van Lam, Foreign Minister, Republic of (South) Vietnam from 1969 until 1973

- Trinh Ngoc Thai**, member, DRV Delegation to the Kissinger-Le Duc Tho negotiations
Trinh, Nguyen Duy, *see* Nguyen Duy Trinh
- Vance, Cyrus R.**, Deputy Head of the U.S. Delegation to the (plenary) Paris Peace Talks until January 20, 1969; thereafter, adviser to the delegation until February 19, 1969
- Vang Pao**, General, Lao Armed Forces, Commander of Military Region Two (MR II) and head of the Meo (H'mong) guerrilla forces
- Vann, John Paul**, USA officer who served in Vietnam from 1962 until 1963 as divisional adviser to the 7th ARVN Infantry Division; critical of U.S. reluctance to press South Vietnamese military to be more aggressive; resigned from Army as Lieutenant Colonel in mid-1963; returned to South Vietnam as a civilian with the Agency for International Development in 1965 and was promoted over the years until in 1971 he was civilian commander of U.S. civilian and military programs in central South Vietnam; died in helicopter accident during the 1972 Easter Offensive
- Vest, George**, Special Assistant to the Secretary of State for Press Relations from December 1973 until April 1974
- Vien, Nguyen Luu**, *see* Nguyen Luu Vien
- Vo Nguyen Giap**, General, People's Army of Vietnam, Defense Minister, Democratic Republic of (North) Vietnam
- Vo Van Sung**, DRV Delegate General in Paris after November 1970
- Vongvichit**, Lao politician
- Vu, Nguyen Anh**, *see* Nguyen Anh Vu
- Vu Van Mau**, Foreign Minister, Republic of (South) Vietnam, until August 22, 1963; RVN Ambassador to the United Kingdom after December 24, 1963
- Vy, Nguyen Minh**, *see* Nguyen Minh Vy
- Wallace, George C.**, Governor of Alabama from 1963 until 1967, and again from 1971 until 1979
- Walsh, John P.**, Deputy Executive Secretary of the Department of State
- Walters, Vernon A.**, Lieutenant General, USA; Defense Attaché in the Embassy in Paris until March 1972; Deputy Director of Central Intelligence from May 2, 1972
- Watson, Arthur K.**, U.S. Ambassador to France from April 8, 1970, until October 30, 1972
- Weiss, Cora**, U.S. anti-war activist
- Westmoreland, William C.**, General, USA; Commander, Military Assistance Command, Vietnam (MACV) from August 1, 1964, until June 11, 1968; Army Chief of Staff from July 3, 1968, until June 30, 1972
- Whitehouse, Charles, S.**, served in Vietnam and in the Department of State in Washington on Vietnam war-related issues from 1969 until 1971; Deputy U.S. Ambassador to Vietnam from March 1972 until August 1973; U.S. Ambassador to Laos from September 20, 1973, until April 12, 1975
- Williams, Maurice J.**, Chief U.S. Delegate, U.S.-DRV Joint Economic Commission, 1973
- Xuan Thuy**, Head of the DRV Delegation to the (plenary) Paris Peace Talks; also, titular Head of the DRV Delegation to the Kissinger-Le Duc Tho negotiations, occasionally meeting with Kissinger in Le Duc Tho's stead; usually referred to as Minister
- Ziegler, Ronald L.**, Assistant to the President and White House Press Secretary from 1969 until 1974

Vietnam: The Kissinger-Le Duc Tho Negotiations, August 1969–December 1973

Attempting the Impossible,
August 1969–September 1970

1. Memorandum of Conversation¹

Paris, August 4, 1969.

PARTICIPANTS

Dr. Henry A. Kissinger
Major General Vernon Walters
Mr. William A.K. Lake

Xuan Thuy
Mai Van Bo
Vietnamese Notetaker
Vietnamese Interpreter

Dr. Kissinger opened the conversation by saying that he appreciated the opportunity of seeing Mr. Xuan Thuy and to be able to have direct discussions. He had known Mai Van Bo since 1967. He had always found him to show great diplomatic skill and subtlety. Dr.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 863, For the President's File—Vietnam Negotiations, Camp David Memcons, 1969–1970. Top Secret; Sensitive; Nodis. Attached to an August 6 memorandum from Kissinger to President Nixon reporting on the meeting. (*Foreign Relations*, 1969–1976, vol. VI, Vietnam, January 1969–July 1970, Document 106)

Nixon and Kissinger employed Jean Sainteny as an intermediary in establishing the secret negotiations with North Vietnam (Memorandum from Kissinger to President Nixon, July 14, 1969; *Ibid.*, Document 97). Initially, Nixon and Kissinger wanted Sainteny to travel to Hanoi on their behalf to deliver a letter from Nixon to Ho Chi Minh, but the North Vietnamese would not give Sainteny a visa. Instead, Sainteny delivered the letter to Mai Van Bo in Paris. (Kissinger, *White House Years*, pp. 277–278)

In this first negotiating session with Xuan Thuy, Kissinger established a practice he was to follow throughout nearly all subsequent meetings, providing Nixon with both the transcript of the discussion and a reporting memorandum summarizing the major outcomes.

(Footnote continues on next page)

Kissinger said he would like to say a personal word before getting into the matter which had brought him there. He had been concerned with peace in Vietnam since 1965. Anyone who has followed Vietnamese history, particularly the events of the last five years, must be aware of the courage and dignity of the Vietnamese people. He was fully aware that after all that had happened, there was a great amount of distrust between our two peoples. But any discussions will be conducted on our side with respect for the courage and dignity of the Vietnamese people. He wondered whether there had been any answer to the letter from our President which had been delivered in Paris two weeks before. Xuan Thuy said that President Nixon's letter had been forwarded to Hanoi. It was not dated. Dr. Kissinger said the letter had actually been written three days before it had been delivered. Perhaps he should say a few things which President Nixon had asked him personally to convey.

Dr. Kissinger said that Washington had read with great care the statements that had been made at the plenary sessions and in the private meetings. Hanoi had often questioned our good will and our sincerity. It was hard for us to judge whether they did this for psychological effect or to what degree they really believed this. Dr. Kissinger said that he was there to tell them that we sincerely wanted peace and were approaching it with an attitude of good will, but he was also there to tell them how the situation appeared to us.

On November 1, 1969, the negotiations which led to the end of the bombing would be one year old. During this period, the U.S. had made what we consider to be significant moves. We had ended reinforcements, we had a partial bombing halt, then a total bombing halt, and the withdrawal of 25,000 combat forces. We had offered to accept the result of free elections. To us it looks as if there had been no significant

In his memorandum for the President about the meeting, Kissinger noted several "points of particular significance." He noted first that "Xuan Thuy did not hit back hard at my statements about the necessity for us to take actions of gravest consequence if there is not major progress by November 1. He did say that if we do not agree to a solution on the basis of the NLF ten points, they will have no choice but to continue to fight. But he did not press the point strongly." The November 1 reference is to a possible major military move against North Vietnam, at that point a general concept, which would in September and October be developed into a major political-military planning effort.

Kissinger further summarized the principal substantive aspects of the North Vietnamese position: "Xuan Thuy emphasized the question of troop withdrawals and political settlement, calling for unconditional U.S. withdrawal and on the removal of Thieu, Ky and Huong. He also expressed particular interest in our views on neutralization." In addition, "Xuan Thuy for the first time hinted at some linkage between the withdrawal of our forces and theirs (points two and three of their ten points). While he was vague on specifics, the message was clear and significant." Finally, Xuan Thuy, speaking for the North Vietnamese in Le Duc Tho's absence, made it clear that they should meet again if progress could be made. (*Foreign Relations, 1969–1976*, vol. VI, Vietnam, January 1969–July 1970, Document 106)

response. It is in the long term intolerable for us to be treated at every discussion like school boys who are taking an examination in the ten points of the NLF. We were willing to discuss their ten points but we also wanted a discussion of the proposals our side had made. Therefore, he was here to suggest to them from the highest possible level and in all sincerity that we attempt to make another effort to settle this conflict by the time the bombing halt is one year old—that is to say, by the 1st of November. As part of this effort, we would like to answer some of the questions which had been put to us by their side on various occasions. (Dr. Kissinger commented here that he was reading from notes which had been approved personally by the President):

—The United States is willing to withdraw all of its forces without exception from Vietnam as part of a program for the removal of all outside forces from Vietnam.

—The United States is prepared to accept any outcome of a free political process. In defining the political process, he would like to set forth a few propositions:

a. We realize that neither side can be expected to give up at the conference table what had not been conceded on the battlefield.

b. We believe that a fair political process must register the existing relationship of political forces.

c. We realize that we will differ with them on how to achieve this but neither side should be asked to accept the proposition that it can be defeated without noticing it. We are not asking them to disband the organized Communist forces and they should not ask us to disband the organized non-Communist forces.

—We remain prepared, as we had said, to discuss the ten points together with our own points. In order to show our good will in the period between now and November 1, we will withdraw somewhat larger forces than we have already withdrawn and reduce our B-52 and tactical air operations by 10%.

In order to expedite negotiations, the President is ready to open another channel of contact with them. He is prepared to appoint a high-level emissary who would be authorized to negotiate a conclusion. This special contact makes sense only if negotiations are serious. If this contact takes place, the President is prepared to adjust military operations in order to facilitate the negotiations. If the objective was sufficiently serious and the conclusion sufficiently imminent, the President is prepared to ask Dr. Kissinger to conduct the discussions.

At the same time, Dr. Kissinger had been asked to tell them in all solemnity that if by November 1, no major progress has been made toward a solution, we will be compelled—with great reluctance—to take measures of the greatest consequences.

We had noticed that in their propaganda and in the Paris discussions, they were attempting to make this “Mr. Nixon’s War.” We did

not believe that this was in their interest. If it is Mr. Nixon's War, he cannot afford not to win it. Dr. Kissinger then said, "you are a courageous, indeed a heroic people," and no one knows what the final result would be of such a sequence of events. We believe that such a tragic conflict to test each other can be avoided.

He wished to conclude with the same statement with which he began. If there are serious discussions we will make every effort to treat Hanoi with the respect and courtesy to which their sacrifices entitle them. In fairness and respect he must tell them that we cannot continue to accept the procedures that have characterized our contacts in the last 15 months after November 1. He also hoped that when we looked back on this conversation, we would consider it a turning point toward peace and reconciliation between our two peoples.

Xuan Thuy then asked whether Dr. Kissinger had finished, as he would like to ask a few questions for clarification. Dr. Kissinger said, "Please do," and noted that he had read Xuan Thuy's questions at the negotiations and they were always acute.

Xuan Thuy then said, "you say that between now and November 1, all problems will be settled, but at the same time, you say that from now to November 1, U.S. will withdraw troops in greater numbers than the 25,000 already withdrawn. What is the meaning of these two propositions?"

Dr. Kissinger replied that this was a sign of our good will and sincerity. But we would make no further concessions. Xuan Thuy said that he did not clearly understand. Dr. Kissinger then said that he had not said that all troops must be out by November 1 but that there must be an understanding by which it is clear *when* all troops will be out.

Xuan Thuy then asked whether he understood rightly that between now and November 1 the U.S. would withdraw more troops in a greater number than the 25,000. That is one question. Another is whether from now on there are meetings and discussions for settling these matters.

Dr. Kissinger said that we proposed between now and November 1 that we agree to make a serious major effort to agree on all essential matters. (We then propose that on issues of great consequence or issues of principle he would be prepared to come to Paris or any other place on weekends to discuss outstanding problems. This would not happen unless the issues were serious. (As Xuan Thuy did not appear to have clearly understood, Dr. Kissinger repeated the statement.)) He then continued that we were proposing this so that before history and our conscience we could say that we had done everything possible to avoid what we must otherwise do. (Xuan Thuy smiled without mirth, and consulted Mai Van Bo.)

Xuan Thuy then asked if he might ask another question. "Do you mean that the Four Party Conference should go on as now and that

besides this there be other discussions between the DRV and the US only?"

Dr. Kissinger replied that we now have the plenary discussions on Ave. Kleber in which the speeches made are not distinguished by their novelty. (Xuan Thuy smiled.) We have private discussions on the Ambassadorial level and we have started technical discussions between Habib and Ha Van Lau. If any one of these prove useful, they should be continued. If they believed that the existing forums lend themselves to a solution, we have no interest in complicating the situation. If it should prove possible to avoid repetition of some of the speeches released by both sides, we would be prepared to open another forum provided this promised to achieve a rapid solution on issues of great importance. As for his own participation, his other duties did not permit him to spend considerable time on negotiations in which issues were not clearly defined. The technical execution could be carried out in existing forums. His participation would have to remain secret and on some occasions, because of his other responsibilities, he would be replaced by someone who would have the full confidence of the President himself.

Xuan Thuy said that Dr. Kissinger had referred to the neutralization of Vietnam and he would like to understand further what was meant.

Dr. Kissinger said that Xuan Thuy had raised this question with Sainteny when they had met previously. He simply wanted to say that we agreed with it in principle, and were prepared to discuss it. But we did not think that this was the occasion for negotiations on it. In any event, he could tell them that we do not intend to maintain bases in Vietnam.

Xuan Thuy said that Dr. Kissinger had referred to negotiations "at the highest level". Dr. Kissinger reiterated that he was speaking *on behalf* of the highest U.S. level. He could also say that we would be prepared to send an emissary to meet for example with their Foreign Minister, or Prime Minister, provided that there was some assurance that this would lead to a rapid conclusion. At this point it would probably be best to narrow the issues of disagreement on major issues by existing procedures he had outlined.

Xuan Thuy then asked whether he might express his views. He said that he had up to now listened very attentively to Dr. Kissinger. He would like to have an exchange of views in a very straightforward and realistic way so that they could better understand each other's views, so as to contribute to a correct and rapid settlement of the Vietnamese problem. Vietnam is far from the U.S., more than 10,000 miles away. Vietnam had done no harm to the U.S. The U.S. Government in the past had intervened in the Vietnamese problem and had set up the administration of Ngo Dinh Diem and successive administra-

tions in South Vietnam. Then the U.S. had brought in its advisers, military personnel and war-making units of U.S. combat troops. There was a half million U.S. troops in South Vietnam. In the meantime, the U.S. had launched a war of destruction against the DRV with its air and naval forces, thus creating a great deal of suffering for people in both South and North Vietnam. The Vietnamese people had been forced to fight against this intervention and aggression to defend their existence and the sacred rights of their fatherland. Dr. Kissinger had studied the history of their people and knew that the Vietnamese people had an age old history and that their history was characterized by struggles against foreign aggression. The Vietnamese people in this fight for the defense of their independence, freedom and peace had been united in rising against foreign aggression. They had never been subdued by any power or deception. Over the past 25 years the people had been continuously fighting for their just cause. What did they want? Nothing but their independence, sovereignty, unity and territorial integrity. These were recognized by the 1954 Geneva Agreements. Now in view of the special circumstances in Vietnam, they wanted the North to be independent, to live in peace and to be socialist. For South Vietnam, they wanted an independent, democratic, neutral, peaceful life. They understood a neutral South Vietnam to be a SVN without foreign troops, without military bases, without being involved in any way in any military alliance, without being under the protection of any military bloc. The reunification of Vietnam would be carried out step by step, by peaceful means and by mutual agreement between the two zones.

With regard to Laos, Xuan Thuy said they recognize the peaceful, independent sovereignty of Laos and the Geneva Agreements of 1962 on Laos. On Cambodia they recognize the peaceful sovereignty and territorial integrity of Cambodia in its present boundaries. They want to live in friendship and peace with all nations over the whole world. They wanted broad relations—economic, cultural, technical—with all nations. In a word, they want peace, not war. They had been actually compelled to fight by the American authorities and they want peace—but not peace at any price, peace with independence and freedom. He had several times told Ambassador Cabot Lodge that the NLF had presented its 10 points and that they approved them for an overall solution as they were logical and reasonable. If the 10 points were now taken as a basis, the war could come to a prompt and rapid solution.

If the war goes on, or is expanded, they would be forced to continue fighting in order to reach their objectives. They had sufficient determination to do so but they were also rich in goodwill.

Now, asked Xuan Thuy, how can the Vietnam problem be settled? There are two basic questions. The first question is the total withdrawal of all U.S. forces and of the forces of their camp from South Vietnam.

They agreed to the proposals set down—the 10 points—that is, all U.S. troops must withdraw from South Vietnam without conditions.

Dr. Kissinger asked if he might interrupt on this point. He would comment on Xuan Thuy's exposé after he finished. If he might make a specific point and he would like Walters to repeat it in French, it was this: we were willing to discuss the 10 points, but we do not regard the 10 points as the Ten Commandments. On the matter of unconditional withdrawal he must tell them that he would not quarrel about the word unconditional. But they knew and we knew that there must be a quid pro quo for American withdrawal, a unilateral pull-out was out of the question. He was not there to argue phrases, but since we are speaking here in private, there must be a clear relationship between our withdrawals and theirs. They must understand this and not have any illusions.

Xuan Thuy replied that each side understands this matter in its own way. He did not understand that the 10 points were the Ten Commandments or the Bible but that the 10 points in view of the situation in Vietnam were logical and realistic. Therefore, he felt it necessary to explain that in the 10 points there were points 2 and 3. This Dr. Kissinger knew. (Dr. Kissinger said that he knew the 10 points but not as well as Xuan Thuy, who smiled.) Point 2 dealt with the armed forces of the US and other foreign countries in South Vietnam. These are the only foreign forces in South Vietnam. As for Point 3, it deals with Vietnamese armed forces in South Vietnam. This question will be settled by the Vietnamese parties among themselves. Points 2 and 3 belonged together. In the eight points of President Nixon, in the points dealing with the withdrawal of U.S. and allied troops, it is pointed out that some troops withdraw in twelve months; on the remaining troops, one doesn't know when. If the U.S. sets a time limit of twelve months for some and the remainder without time limit, then it looks as if the U.S. doesn't want to withdraw its troops completely.

Xuan Thuy referred to Dr. Kissinger's statement that the U.S. is prepared to withdraw all troops in South Vietnam and intends to maintain no bases. He took notes of this statement. But now he must ask about President Nixon's speech—why could the U.S. bring its troops in so quickly, but need so long to withdraw them. Why not do so in say five or six months?

Dr. Kissinger asked if he could interrupt. Xuan Thuy said he preferred to finish.

Now, Xuan Thuy continued, Mr. Advisor Kissinger says the U.S. has withdrawn 25,000 troops. Thuy had repeatedly commented that this 25,000 number is insignificant in comparison with the 540,000 U.S. troops in Vietnam. Even if another 25,000 or more were now withdrawn, it would still be insignificant. Therefore, Xuan Thuy had often

said that the U.S. wants to carry out troop withdrawal in dribblets, and wants to prolong its military occupation of South Vietnam. It has created doubt in their minds about the intentions of the U.S.

The second fundamental problem, Xuan Thuy continued, is the political regime in South Vietnam, the elections in South Vietnam. In the eight points of President Nixon this question is dealt with only superficially; they just say it will be settled by the Vietnamese themselves. They also say the U.S. is prepared to accept any result of elections. But the important question is: who will organize the elections? President Nixon said that the present Saigon administration is legal and constitutional, and that the present administration therefore has the right to organize elections. That is why President Nixon has agreed to the propositions of Nguyen Van Thieu. Xuan Thuy said he thought that if they were really having a straightforward, real, frank discussion, one should not express himself in such a way. How can one say that the Saigon administration is legal and constitutional? It is well known to all the peoples of the world that the present Thieu-Ky-Huong administration, he said, is a warlike, dictatorial administration which oppressed anyone who speaks of coalition, neutrality or democratic liberties. If the Thieu-Ky-Huong administration remains as now, it would be difficult to settle the Vietnam problem.

Xuan Thuy added that he thought that Thieu-Ky-Huong must be changed (i.e. removed—trans.); they would consider the *remaining* administration as a reality, but this administration should change its policy and stand for peace, independence and neutrality. In their view—as mentioned in the 10 points—it is logical and reasonable to form a provisional government to hold elections. This is because the realities show on the one hand the PRG, on the other hand the Saigon administration. In addition there are other political forces. If the Saigon administration organizes the elections, then the PRG will not agree. If the PRG organizes the elections, then the Saigon administration does not agree. Therefore a provisional coalition government, composed of the PRG and the remainder of the Saigon government which is for peace, independence and neutrality, should organize the elections—then this is reasonable.

Xuan Thuy believed that if now these two key questions are settled, then peace will be rapidly restored. After the restoration of peace, Vietnam—both South and North—will begin the rebuilding of a new life. Xuan Thuy was sure that in this reconstruction they would establish relations—technical, commercial, economic, cultural—with all countries, and that they would establish good relations and friendship with the US.

Xuan Thuy then said he was prepared to exchange views with Dr. Kissinger.

Dr. Kissinger replied that he appreciated what Xuan Thuy had said. He would like first to ask two clarifying questions.

Was Xuan Thuy saying that Thieu, Ky and Huong must be replaced before *any* new political construction, i.e. new political solution?

Xuan Thuy responded that the U.S. now says the PRG should hold talks with the Saigon administration. But the PRG says that the Thieu-Ky-Huong administration is warlike. They oppress anyone who speaks of coalition; therefore, if they were to talk to the Saigon administration, no settlement could be achieved. President Nixon had recently visited Saigon, he continued, to quiet this administration because it is torn by internal strife. This proves it has no popular support. This will create more problems for the U.S., including problems in Paris. That, he said, is why the PRG demands that Thieu-Ky-Huong be removed and the remaining administration change its policies to peace, independence and neutrality. The remaining administration could talk to the PRG.

Dr. Kissinger asked if he could put a second question to Xuan Thuy, one which was not perhaps polite but was asked in the spirit of frankness of this talk.

Xuan Thuy, he said, who had spent a long time in these negotiations, knew all the nuances. He did not. He therefore wondered whether in this meeting Xuan Thuy had said anything which was not already said at Avenue Kleber or in the private talks? If so, what was it?

Xuan Thuy said that the difference was that he had expanded for Dr. Kissinger's better comprehension on *how* U.S. troops must be withdrawn and how a provision coalition government should be organized. It is not the PRG which must organize it. This is the proposition of the PRG—and this proposition is logical and reasonable.

Dr. Kissinger asked if he were to understand that in this provisional coalition government, the PRG is to be represented together with what is left of the Saigon government.

Xuan Thuy said he would clarify: on the one hand, it is the PRG; on the other, the remainder of the Saigon administration which would have changed its policies and would stand for peace, neutrality and independence. These two would form the provisional coalition government.

Dr. Kissinger said he understood. He thought he should sum up a few things.

First, with respect to troop withdrawals—We have stated that we will withdraw our troops after a settlement. It is useless to discuss whether we are serious. If they wish to know this, they should discuss it seriously. They could regulate our withdrawals by the speed of their own. If they did not wish to have U.S. and DRV troops treated as comparable, we could negotiate some correspondence. But there would

be no withdrawal of U.S. forces without the withdrawal of North Vietnamese forces. We do not insist on keeping U.S. forces in Vietnam after others are withdrawn. He could say on the highest authority that we seek no U.S. bases in Vietnam.

Secondly, Dr. Kissinger said he must tell Xuan Thuy, so he would not be misled or confused by people who visited him, that we will *not* replace Thieu, Ky or Huong any more than we ask them to replace any individuals in the PRG.

At the same time, he wanted to repeat what he had said earlier: any settlement must reflect the existing balance of political forces. We have no intention of humiliating anyone.

As he had understood Xuan Thuy's exposition, and as he had expounded also, there are two problems. One has to do with the withdrawal of forces, the other with a political solution. Xuan Thuy believes we have not been sufficiently precise on the issue of withdrawal. We believe they have been too precise on the question of a political solution. (Xuan Thuy laughed.) If we are to complete the major part of our work by November 1, we should stop talking about points and start talking about the problems. He believed they understood what we have in mind with respect to the withdrawal of forces. It remains therefore a question of finding some formula for establishing a relation between their forces and our forces.

The problem is of course much more complicated, Dr. Kissinger added, and this meeting is not the occasion to solve it. It must be done on the basis of recognition of the realities in South Vietnam—of the government in Saigon and of other political forces. With this accepted, we will work to find a solution reflecting the true wishes of the people of South Vietnam. We have too much respect for Xuan Thuy to believe that we could trick him into a solution which does not respect their dignity. But they cannot impose a dishonorable solution on us.

Dr. Kissinger suggested that they think over this conversation in this spirit. There are many ways of approaching a solution. They can speed up the work that goes on in existing forums, and they can be assured that it will be noticed in Washington. The President and he—Kissinger—read very carefully all that is said in Paris. If a very important issue is reached or there is something they wished to convey to the President but don't wish to say in a forum where too many people would know, he could arrange to be informed through Mr. Sainteny or General Walters, who remains in Paris. But it must be an important matter capable of being brought to a conclusion.

Xuan Thuy asked whether General Walters was present at the meeting. Dr. Kissinger said that he is our Defense Attaché at Paris. He was General Eisenhower's interpreter and is an acquaintance of

President Nixon. He cannot discuss, but can take information, Dr. Kissinger said.

Xuan Thuy asked for his address. Dr. Kissinger promised it to him later. (At the end of the meeting, General Walters gave Mai Van Bo his telephone numbers at home and at the office.)

Dr. Kissinger wished to say one other thing. When he was a professor, he had started out with problems of philosophy and art. He recognized that the most difficult problems are not where good people meet evil people, but are where two strong people with strong convictions confront each other. (Xuan Thuy smiled.) We would prefer to have the Vietnamese as friends rather than as enemies, Dr. Kissinger continued. He was talking to Xuan Thuy so that at the end of the year—that is, after November 1—our two peoples who have no fundamental disagreement with each other, should not once again need to test each other's resolution. He believed that we must make an effort to find a solution between now and November 1.

Dr. Kissinger then said he had one practical problem to raise. Did they prefer Sainteny or General Walters as a means to communicate with him (Kissinger)? Or maybe not at all? Xuan Thuy said if he had anything to convey, he would say it to General Walters. Dr. Kissinger reiterated that General Walters cannot discuss; he can only take messages for Dr. Kissinger.

Xuan Thuy asked if Dr. Kissinger were finished. When told yes, Xuan Thuy said Dr. Kissinger had stated that the U.S. had just partially, then totally stopped the bombing, and had then withdrawn 25,000 troops. Dr. Kissinger had said this showed goodwill. But he had added that he had found no goodwill by the DRV. This was not true. The DRV rather had responded with great goodwill. Originally they demanded that the bombing be totally stopped before talks. But the U.S. only partially stopped it, and they had talked. Then, when the U.S. had stopped the bombing, we had said we would talk on November 6. But we didn't, and the conference only started two months later.

At the conference, Xuan Thuy continued, they have put forward their four points, the NLF five points, and now there are the overall ten points. The U.S. has its eight points and Saigon has proposed a number of things. But one must say that our plans of settlement—the eight points and Saigon's proposals—are not comprehensive at all.

The reason why the DRV agrees to the ten points of the NLF is that this overall solution is logical, reasonable and fair. It points out how military, political and other problems can be settled.

Dr. Kissinger noted that it has only one defect—we don't agree with it. Xuan Thuy smiled.

Xuan Thuy said there is a contradiction in our ideas. On the one hand, there is the rapid withdrawal of U.S. and other countries' troops

from Vietnam and an end to the war. (Dr. Kissinger interjected “and DRV” after “troops” in the preceding sentence.) On the other hand, Xuan Thuy said, we wish to consolidate the puppet government. How?

Dr. Kissinger said that this is our problem. We are not saying that we insist on any particular government being maintained after a settlement. But we will not—because it is beyond our power and for other reasons—replace Thieu and Ky and Huong. We want the people of South Vietnam to choose their own government after a settlement.

Xuan Thuy said that this is what Ambassador Lodge had told him many times. And he had told Lodge many times what he had said.

Dr. Kissinger said yes, that if this were to be the discussion, there would not be a solution by November 1.

Xuan Thuy said he would like to state that last June he had gone to Hanoi to meet with his government. His government was aware of all the details of the Paris conference and was fully in agreement with the views he had expressed in this meeting. His government had reaffirmed that all the negotiations in Paris on the Vietnam problem are entrusted to him and Le Duc Tho as the men responsible. Therefore he had today listened to Dr. Kissinger’s views. He will, he said, report Dr. Kissinger’s remarks to his government in Hanoi. He said he was prepared to study Dr. Kissinger’s views and at the same time wanted Dr. Kissinger to study his. What he had been saying at the meeting, he felt he had said straightforwardly and frankly.

Xuan Thuy suggested that they thank Mr. Sainteny, their host, who had provided an opportunity for the meeting.

He said that he did wish to meet with Dr. Kissinger again if we can make progress.

Dr. Kissinger then asked Xuan Thuy to keep this discussion in absolute confidence and not to refer to it in other discussions which were taking place or to speak of it to anyone else.

Xuan Thuy agreed and added that when the private discussions became known it was not through them and if there were a leak it was in Washington. Dr. Kissinger said that they were right and this was the first agreement they had reached (humorously). He could assure him that this discussion would not leak from Washington.

Dr. Kissinger said that now that they had finished the formal discussion he would like to say something as a former professor who had studied diplomatic history. He could appreciate a good negotiator. If he understood what Xuan Thuy had said it was to ask for the impossible and finally to agree to the barely conceivable as a major concession. Xuan Thuy smiled briefly.

Xuan Thuy said that he wanted to explain this to Dr. Kissinger so that he could have a better understanding of the 10 points of the NLF,

of which they approved. As he had told Dr. Kissinger at the beginning there were two possibilities. It would be good if both sides could reach agreement on the basis of the 10 points, then a real agreement could be rapidly reached. If this were not possible, then the war could go on but they want the first possibility as peace is much better. If they could discuss and agree on military and political problems a settlement would be prompt. He had once told Ambassador Cabot Lodge that for questions regarding South Vietnam the U.S. should enter talks with the Provisional Revolutionary Government but they had accepted talks between the DRVN and the U.S. because the U.S. wanted them.

Dr. Kissinger said that we appreciated the meeting and he thought that they understood one another. He saw no further progress possible at this meeting. He understood that this was a serious problem for which their people had fought with great courage and on our side, too, we had suffered a great deal. He believed that the essential positions are clear and we would have to see in the next three months whether they were reconcilable. We have indicated a possible way by which this could happen. He wanted to tell Xuan Thuy of the President's sincerity but equally of his determination. He would also like to tell him personally of his respect for him and his people. This will continue whether they found a way to be friends or whether fate forces us into an expanded confrontation.

Xuan Thuy said that their aspirations were for independence and peace, and Dr. Kissinger had said that neither side should humiliate the other side. Ambassador Cabot Lodge had once said to him that they were trying to force the U.S. to surrender. He had told him that he had no such idea. On the contrary, they were continuing to create favorable conditions for the U.S. to withdraw its troops. They had experienced 25 years of war, and therefore their aspirations for peace are real.

Dr. Kissinger then said that he suggested that they think about their discussion and we would watch what goes on at the meetings with great care. If Xuan Thuy thought another such discussion would be helpful he could call General Walters and we would arrange a visit and a meeting place, either there or at some other place. This discussion should be on matters beyond what is being discussed in the normal meetings. If they made a step significantly different from the usual steps they would find that we would meet them with a spirit of good will.

Xuan Thuy said that the same was true for them. But on our side we had only talked about methods for taking a step forward but had not offered any concrete step.

Dr. Kissinger said that President Nixon had made a proposal; we had said that we would recognize a free political process. We had stated propositions. He could not accept that we had made no proposi-

tions. We must now see where we must go. He did not want to get into detailed negotiations at this meeting. Dr. Kissinger repeated that if they showed willingness to achieve a reasonable compromise, we would not try to take advantage of them or to humiliate them.

After parting amenities the Vietnamese expressed the desire to leave first without taking leave of Mr. Sainteny as they would thank him when they saw him again.

2. Memorandum of Conversation¹

Paris, February 21, 1970, 9:40 a.m.–12:20 p.m.

PARTICIPANTS

Le Duc Tho, Adviser to the North Vietnamese Delegation
 Xuan Thuy, Chief of Delegation
 Mai Van Bo, North Vietnamese Delegate General in Paris
 North Vietnamese Interpreter
 Two Other North Vietnamese Officials
 Henry A. Kissinger, Assistant to the President for National Security Affairs
 Major General Vernon Walters, Defense Attaché, American Embassy, Paris
 W. Richard Smyser, NSC Staff
 W.A.K. Lake, NSC Staff

After introducing those accompanying him, particularly Mr. Smyser (so that they would know he was no longer with the Delegation), Mr. Kissinger said that it had been very complicated coming to Paris from Washington. He had told the French he was coming but

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 852, For the President's File—Vietnam Negotiations, Sensitive, Camp David, Vol. II. Top Secret; Sensitive; Exclusively Eyes Only. No drafting information appears on the memorandum of conversation. The meeting took place at 11 Rue Darthé, one of the residences of the Democratic Republic of Vietnam in Paris. Kissinger sent Nixon this memorandum of conversation on February 25 and explained in an attached note that because the conversation was so lengthy, he had "indicated the most important remarks by a line in the margin." (Ibid.)

During the meeting, Major General Vernon Walters, Defense Attaché at the Embassy in Paris, translated Kissinger's remarks into French, and then the North Vietnamese interpreter translated the French into Vietnamese. The process was reversed when Le Duc Tho or Xuan Thuy spoke. (Walters, *Silent Missions*, p. 515)

Kissinger met Le Duc Tho for the first time at this meeting. Although Tho was formally characterized as "Adviser to the North Vietnamese Delegation," he was actually the North Vietnamese Politburo member in charge of negotiations with the United States. In effect, he was Kissinger's opposite number in the talks, and Xuan Thuy, titular Chief of Delegation, was subordinate to Le Duc Tho.

not why. President Pompidou had invited him to lunch, and he had accepted as it provided a good pretext for being in Paris. Mr. Kissinger said that he would therefore have to leave around 12:15 p.m. In principle, he said, he could return later in the afternoon if it seemed necessary. They could decide whether another meeting would be desirable at the end of the current meeting.

At any rate, Mr. Kissinger said, they should know that the Pompidou lunch is a secret. No one in the United States Government knew he was in Paris except for the President and Mr. Kissinger's associates here at the meeting. We would like to keep this meeting a secret. The other side had been very reliable in this regard. (The North Vietnamese smiled.) Indeed, they had been more reliable than some of Mr. Kissinger's colleagues, he said. (More smiles.)

Xuan Thuy said that Mr. Kissinger had asked for this meeting through General Walters to tell them something further than what he had said previously. With regard to another meeting during the afternoon, Xuan Thuy said that could be decided later.

Mr. Kissinger said that it was always a pleasure to see them. He knew them better than he knew many other people, as he reads what they say with great care. In his communication to Xuan Thuy, Mr. Kissinger said, he had indicated that there should be a meeting if both sides were ready to speak outside the normal framework—not just us.

Mr. Kissinger said he would like to begin with a few observations. He wanted first to discuss with them the general attitude of the President with regard to negotiations at Paris.

On January 14, 1969, Le Duc Tho had had a conversation with Governor Harriman and Mr. Vance. He had said there were three ways to achieve a settlement. First, by good will; second, for us to try to negotiate from a firm position of strength—which would not work; and third, without negotiations, for us to try to gain military victory—which also would not work. Mr. Kissinger said that we are approaching the negotiations with good will and serious intent. The discussions he had with them should start from this assumption.

Of course, Mr. Kissinger continued, we all know that negotiations between our two sides are extremely difficult. It is difficult to decide what we are trying to achieve; and even agreeing on that, it is hard then to do it. Also, he said, the North Vietnamese have a long history of not being easy to negotiate with. (Mai Van Bo and Xuan Thuy smiled; Tho did not.)

We recognize the negotiations are made harder by their distrust, Mr. Kissinger said, a distrust which is rooted in history. But he did not wish to discuss this history. If negotiations are to progress, we must surmount this mistrust. However difficult it will be to overcome

this distrust now, it will be harder one or two years from now, or whenever we make peace. And sooner or later, we will have to make peace.

Mr. Kissinger asked if, as a professor on leave, he could next make a theoretical point. He had read that they believed they had been tricked in 1956 and that we were trying to trick them now. But we are not, he said, trying to do so—not because we are particularly benevolent, but because it would not be in our interest. We have learned that they fight when they believe they have been tricked. After a settlement, Mr. Kissinger said, they would be closer to South Vietnam than we. Therefore, we will want a settlement which is in their interest.

It was in this spirit, Mr. Kissinger continued, that he had come a long way to this meeting—in order to make one basic point. We all could sit here and use phrases like good will, or endlessly discuss issues along the lines of speeches we know by heart from the Majestic meetings. But the problem is how to bring the negotiations to a conclusion. For this, we need agreement on the objectives of the negotiations and a program of work.

Last August, Mr. Kissinger went on, when he had had a private meeting with Messrs. Xuan Thuy and his old acquaintance Mai van Bo, he had suggested a settlement in a specific period of time. For some reasons, the other side did not agree. Mr. Kissinger said that he believed we had all missed an opportunity. Now, we believe that the other side's situation is not better. Nor will it get better. We should now see if we can accomplish something.²

Mr. Kissinger said that when they had met in August, he had indicated he did not believe it was in their interest to make this Mr. Nixon's war, as once they had done so, it would be difficult for him not to try to win it. He had said that they were an heroic people, and no one knew the result of such a sequence of events. We would prefer not to test it.

When they had met in August, Mr. Kissinger said, it was reasonable for the other side to believe that our domestic situation would become more and more complicated. In the interval, our domestic situation had become stronger. Mr. Kissinger said he would explain why. The North Vietnamese in Paris see many Americans who are extremely sympathetic with their position. But in the last election, the big bloc of votes which could make a difference was not on the left, but on the right. Last October, when there had been a public opinion problem, the President moved toward these votes. Mr. Kissinger said that he was speaking in a good spirit, but it was important that the other side

² Kissinger highlighted this and the following paragraph for the President.

understand that the normal support of a Republican administration is on the right; the President can appeal to people whom President Johnson could not reach. Mr. Kissinger said that the Administration does not want to move this way, but the President may have to.

Mr. Kissinger stated we also believe that since August 1969 the situation in South Vietnam has become more problematical for the other side. We know that they may not agree with this assessment, but don't wish to argue it. We would simply say that nothing is to be gained by waiting.

Finally, Mr. Kissinger said, it is our judgment that the international situation has complications which may make Vietnam no longer the undivided concern of other countries and may mean that Vietnam will not enjoy the undivided support of countries which now support it. He would simply say that this was another reason why we believe there is nothing to be gained by waiting.

Mr. Kissinger said that he was saying this in a good spirit and with an attitude of trying to resolve the conflict—not from any attitude of hostility or intransigence. He was at the meeting to discuss whether they could agree on the objectives of the negotiations and a work program.

Many people, Mr. Kissinger continued, seem to believe that the negotiations are like a long, drawn-out mystery in which their side throws out faint clues and we guess at the solution which has eluded us so long. Minister Xuan Thuy, he said, is expert at making enigmatic declarations to visiting Americans, to make them believe that they are at the edge of something. Having read everything that the other side had said over the years, Mr. Kissinger held the opposite view. When they had something new to say, they made it clear. Therefore, Mr. Kissinger said, we believe we should speak frankly from a clear position. He hoped they could be clear in this channel.

Mr. Kissinger therefore wished to state two propositions: First, it seems to us that the other side wants as a condition of negotiations to be guaranteed political predominance, with us to rely on their good faith and self-restraint. On the other hand, to them, it may seem that we seek military predominance and would have them rely on our good faith and self-restraint. We believe, Mr. Kissinger said, that the task we have here is to see if we can resolve this difference.³

³ The North Vietnamese did not understand the translation of this. Mr. Kissinger said that at Harvard, "heavy words" are often confused with profundity. Everyone laughed, and Mai Van Bo said that Xuan Thuy is not the only one to make enigmatic statements. [Footnote is in the original.]

In order to make clear our position, Mr. Kissinger said, he would like to put forward some views of the President. Mr. Le Duc Tho once said that he thought the U.S. wants to drag out the war in order to strengthen the government in Saigon, and so we did not want to withdraw our troops. Mr. Kissinger said he was at the meeting to tell them that we agree to the principle of total withdrawal of American forces and there would be no American bases in Vietnam after the conclusion of negotiations. We prefer negotiations to Vietnamization and would choose the latter only if it were obvious that negotiations would not succeed.⁴

Secondly, he continued, we recognize that Hanoi has a special problem in placing their troops on the same legal basis as ours, since they do not consider them foreign troops and indeed have never admitted their presence in the South. Mr. Kissinger said that we respect their attitude, and are interested in practical, not theoretical, solutions.

With respect to a political solution, Mr. Kissinger said, there are two ways of dealing with it. First, after withdrawal of external military forces, the South Vietnamese could settle it among themselves. Secondly, if it is to be part of our negotiations, we would follow the following principles:

—The political solution must reflect the existing political realities in South Vietnam and we realize that neither side can be expected to give up in negotiations what had not been conceded on the battlefield.

—We believe that a fair political process must register the existing relationship of political forces.

The question then, Mr. Kissinger said, is how to proceed. We could proceed in this channel to discuss their ten points and our eight points. This was attempted at some private meetings.⁵ While we are ready to proceed this way, it was Mr. Kissinger's personal opinion that we would quickly arrive at serious disagreements. Therefore, he said, another way of proceeding might be to put aside their ten points and our eight points, and define some general principles—objectives—of what we might achieve. The details could be negotiated in the meetings between our delegations at the Majestic Hotel. If this procedure is adopted, we would be ready to send a new negotiating team which is not married to the old form of the negotiations.

We would approach such a procedure with a constructive attitude, Mr. Kissinger continued, attempting to take into account their concerns, and in the hope that this would be their attitude as well. We would

⁴ Kissinger highlighted this and the next two paragraphs for the President.

⁵ Kissinger highlighted the rest of this paragraph beginning at this point and the next two paragraphs for the President.

also suggest setting a deadline of June 1 or July 1—we are flexible about the exact date—to let us know what we are working towards. The President had also authorized Mr. Kissinger to say that he would let Mr. Kissinger go on participating in these discussions.

Once we establish such a timetable, he said, we will do our best to maintain it, but progress depends on maintaining what we have done to date. Mr. Kissinger said that he would tell them in all frankness that an increase in violence would be inconsistent with this, would be to no one's advantage, and could have serious consequences.

At our last meeting, Mr. Kissinger said, Minister Xuan Thuy said that their side wants peace, not war. We feel the same way. The President will be in office another seven years. It is not necessary or desirable for either side to prove its courage any further. They have proved the great skill, tenacity, and heroism with which they could make war. Mr. Kissinger said he was at the meeting to see if we could make peace. We want a peace which both sides will wish to maintain; any other peace will not last. Strange as this may seem after all we have been through together, an independent, prosperous, and self-reliant Vietnam is in our national interest as we see it. In any historic period, we are not a threat to Vietnamese independence.

Mr. Kissinger said he would like to conclude by repeating something President Nixon had said in his speech to the UN: "The people of Vietnam, North and South alike, have demonstrated heroism enough to last a century. When the war ends, the United States will stand ready to help the people of Vietnam—all of them—in their tasks of renewal and reconstruction."

Mr. Kissinger said that he was at the meeting in that spirit, and expected it to carry over into our future relationship.

He then apologized for speaking so long, explaining that Harvard professors always speak for 55 minutes. (North Vietnamese smiles.)

(There was then a 10-minute break. Le Duc Tho and Xuan Thuy went off to consult.)

After the break, Mr. Kissinger noted that Joe Kraft had urged him to see Le Duc Tho, whom Kraft greatly admired. Kraft would probably soon write articles accusing Mr. Kissinger of being war-like. (North Vietnamese smiles.)

Xuan Thuy then said that since he had last met Mr. Kissinger on August 4, the negotiations between the U.S., DRV, PRG, and Saigon administration, at the Avenue Kleber, as well as the private meetings, had obviously deteriorated.

Mr. Kissinger had suggested at that time that we should reach a settlement by November 1st. But Xuan Thuy remembered that on August 4 Mr. Kissinger did not raise any concrete contents in his

remarks. Mr. Kissinger had suggested that they open another forum between Xuan Thuy and the U.S. As for the North Vietnamese, they had put forward two concrete points for August 4. Xuan Thuy had said on that day that the U.S. should withdraw its troops rapidly within five or six months. Secondly, the formation of a provisional coalition government including three components had been raised. Since that meeting was concluded, the North Vietnamese did not see any response from the U.S. side. Therefore, between the two dates of August 4 and the end of October, if we had not settled any questions, it was not on account of the North Vietnamese side but because the U.S. did not give any answer to their proposals.

Then in November, Xuan Thuy continued, President Nixon gave a speech that the North Vietnamese have publicly qualified as a war speech. Public opinion has also considered it a war speech.

Mr. Kissinger asked: Whose public opinion? Xuan Thuy replied, "The U.S. and elsewhere."

Mr. Kissinger said, "not in the U.S." President Nixon's popularity has increased 20%, he noted. Xuan Thuy said that this was Mr. Kissinger's assessment. He was speaking of his own. Mr. Kissinger had a theory from Harvard, he said smiling, and he had one from Hanoi. Mr. Kissinger said that they should wait until he lectured at Harvard on public opinion in North Vietnam.

Xuan Thuy said that Mr. Nixon's November speech had put emphasis on Vietnamization, and belittled the Paris negotiations. Actually, he said, the policy of Vietnamization was applied before President Nixon made his speech. But in his November speech, he publicly announced emphasis on Vietnamization. Since then, the U.S. Government side made great publicity about the success of Vietnamization. This is its right—Xuan Thuy would not argue about that. But from their point of view, they could see that if Vietnamization does not bring any success, but the U.S. believes it does, this would be subjective thinking. If it is really not a success, and the U.S. says it is, that would be deceiving U.S. public opinion.

With regard to the Paris conference, Xuan Thuy said that since the August meeting, the U.S. Government had agreed to the retirement of Ambassador Lodge without naming a successor.

Now, he continued, Mr. Kissinger says that the U.S. really wants peace. He says that it is the real intention of the U.S. to withdraw all U.S. forces and military bases. But in reality, in practice, one doesn't see any evidence of this desire. With regard to troop withdrawal, the U.S. does withdraw troops, but this the North Vietnamese have characterized as withdrawal by dribblets. It has no significance at all in comparison to the total of more than 500,000 men. Besides, many personalities in U.S. political circles have publicly made known the

U.S. intention to leave behind 200,000 to 300,000 troops. If the U.S. announced it will totally withdraw its troops without any reservation, but with the withdrawals going on for years and years, this too will have no practical significance at all.

What they would like to know, Xuan Thuy said, is when total withdrawal of U.S. troops—without leaving behind any troops or bases—will be completed.⁶

In the meantime, he continued, U.S. air activity has greatly intensified, as well as the spreading of toxic chemicals. Pacification operations and massacres of the civilian population have also been stepped up.

So they wonder, Xuan Thuy said, how we can say that we have been reducing our activities in South Vietnam. Moreover, reduction is not the act they are demanding. They are demanding the withdrawal of all troops, to put an end to the war.

Xuan Thuy said that in Laos, it is the same thing—the U.S. Air Force carries out activities throughout Laos with increased intensity. All this makes them put an interrogation point on the good faith of the U.S.

Moreover, Xuan Thuy continued, in his November speech President Nixon seemed to make a threat against them. Xuan Thuy had often stated, and even in the meeting on August 4, that threats have no effect at all on the Vietnamese people. It is not their intention to have a test of force with the U.S., because it is known to the whole world that the U.S. has more people and resources than Vietnam, and is technically and scientifically stronger. But the question is that they have to defend their independence, to defend their real freedom and the peace of their people.⁷

Xuan Thuy then recalled that Mr. Kissinger had said that public opinion in the U.S. and the world is now different from what it was in August, and Hanoi could not wait for it. This idea was expressed many times, Xuan Thuy said, by Mr. Cabot Lodge, and now Mr. Kissinger repeated it. Xuan Thuy had been answering that the Vietnamese people are fighting for genuine independence, freedom and peace. In fighting, they rely mainly on their own force, on their own line and policy, on their own spirit, on the cohesion and unity of the Vietnamese people. In the past, when fighting against other imperialist powers, it had been the same thing. They have been fighting U.S. aggression for tens of years. This is not a new fact. But the anti-war movement in the U.S. and the world began only a few years ago. Before the movements began, on what did they rely to fight aggression? Therefore, they don't

⁶ Kissinger highlighted this paragraph for the President.

⁷ Kissinger highlighted this paragraph for the President.

wait for the peace movement in the U.S. But naturally, Xuan Thuy said, if the anti-war movements in the U.S. and the world support their struggle, they must be grateful to them.

Xuan Thuy said that what they are waiting for is when Vietnam will be really free, independent, and peaceful. As long as Vietnam is not free, independent and peaceful, the Vietnamese people have no other way but to fight for these objectives.

Xuan Thuy said that Mr. Kissinger had asked what could be our objectives. Xuan Thuy said he did not know about American objectives. For them, it is to carry on negotiations and come to real freedom, independence, and peace for Vietnam. To do so, the U.S. must stop reconnaissance flights over the DRV and stop bombing raids between the 19th and 17th parallels. As for South Vietnam, the U.S. should totally withdraw its troops and those of other countries in the U.S. camp, and put an end to all acts—chemical warfare, bombing raids, and massacres of the civilian population.

Xuan Thuy said that they have spoken about rapid withdrawal. Mrs. Binh had put it more concretely. If the U.S. agrees to withdraw in six months, concrete discussions could be held about the security of the troops as they left. As for the political program, Xuan Thuy said, they have proposed a coalition government including the three components. This would not be a monopoly of anyone—of the NLF, the PRG, or of the Saigon administration. It would belong to the people of South Vietnam.

Moreover, Xuan Thuy continued, in August Mr. Kissinger had raised the question of keeping the existing format at Kleber and establishing a new format as well. If so, the U.S. should have appointed a new head to the delegation, because Xuan Thuy had agreed to those procedures.

Xuan Thuy then asked if he could remark that Mr. Kissinger had had to make arrangements at home in order to come to Paris, which had involved him in complexities. He too had work at home, in Hanoi. He had been in Paris for two years, which shows that the North Vietnamese want peace too.

Now, Xuan Thuy said, with regard to a peaceful settlement of the Vietnamese war, if we thought the situation had deteriorated for their side and they thought it had deteriorated for our side, it would take much time to speak of this.

So, Xuan Thuy said, that is the fact of the matter. Mr. Kissinger had come a long way. They were prepared to settle the matter, Xuan Thuy said. If we wanted to talk, we should go straight into the heart of the matter, and find a solution.

Xuan Thuy said that he had listened to Mr. Kissinger's explanation, and found no great differences from last time. There are two main questions:

—The first is troop withdrawals, and Mr. Kissinger had not said when they would be completed.

—The second concerns the government. Mr. Kissinger still was saying that neither side could give up at the negotiation table what had not been conceded on the battlefield. The U.S. still placed emphasis not on troop withdrawals, but on settlement among the Vietnamese. This is the main thing.

For them, Xuan Thuy said, they think that if there is a settlement it should be a “package settlement.” It could cover how really to respect the right of the South Vietnamese people to self-determination and how to really end the war.⁸

And so, Xuan Thuy said, he thought that with regard to how to proceed in the negotiations, that is one question. We should go straight into the problem. Then the question of how to proceed can be easily solved. This is what he had to say about Mr. Kissinger’s explanations. They would agree to meet again at 4:00 p.m. or 4:30 p.m.

Mr. Kissinger asked if he could make two or three points about what Minister Xuan Thuy had said, so that they could begin on a positive note in the afternoon. He said that he would speak with the frankness which is the only point of a meeting where he met with people of their level.

Mr. Kissinger said that Minister Xuan Thuy had stated that they made two specific proposals at the last meeting, to which we didn’t respond. He would like to point out two things:

—Both had been made before, and did not require his presence in Paris.

—It is easy to make proposals demanding that the other side do something. This is not a negotiation. This, he believed, is the difficulty of our negotiations. Minister Xuan Thuy and others have said repeatedly that if we withdraw in six months, they will discuss the modalities. But we don’t have to discuss this with them—we could do it on our own—and would not expect them to do anything about it. They would not—and could not—oppose our withdrawal.

Mr. Kissinger said that he was at the meeting to tell them on behalf of the President that we are willing in negotiations to fix a deadline for U.S. withdrawal, so that the other side can see whether all Americans have really withdrawn. All the discussions of how many troops will remain under Vietnamization are theoretical. If Vietnamization succeeds, we will withdraw the most. If it does not, we will be in an uncertain area.⁹

⁸ Kissinger highlighted this paragraph and the first three sentences of the next paragraph for the President.

⁹ Kissinger highlighted this and the next paragraph for the President.

Mr. Kissinger said that we face an area of conflicting judgments. They believe our judgments are subjective. We believe theirs are subjective. The only way we can find out who is right is to continue the war. They have told us that they prefer not to do that. We feel the same way.

We read every word that Minister Xuan Thuy, Le Duc Tho and other North Vietnamese said with the greatest care. In reading the records of the negotiations in August, September and October, we came to the conclusion that nothing was happening. Certainly they made no effort to activate this channel after we had opened it in August, and this meeting was being held at Mr. Kissinger's initiative. Mr. Kissinger said we believe that the level of delegation we now have is adequate for the level of discussions now going on. As he had pointed out in his statement, when it appears that negotiations are on a new basis, we will put in new individuals who are not so committed by the patterns of the past.¹⁰

Mr. Kissinger then said that he would like to make one statement of fact. Minister Xuan Thuy had said that we have intensified our air activity. We don't care what they say publicly, but they should know in Hanoi that we have in fact made a reduction of 25% of the activities both of B-52's and of other aircraft. Their propaganda was up to them, but this is a fact their leaders should know. Mr. Kissinger then noted that he agreed with Minister Xuan Thuy—we are not talking about how to reduce the war, but about how to end it.

Mr. Kissinger said that he accepted with pleasure the proposal of Minister Xuan Thuy to meet at 4:00 p.m. We could then go to the heart of the matter, in a spirit of reciprocity, and not repeat what we already know and have said.

Xuan Thuy said he would like to add one word. With regard to what he had been saying, he had documents, records and proof. The U.S. had often said that the North Vietnamese were here for propaganda. If this were the case, Xuan Thuy said, they would have sent cadres who are expert at propaganda and would have had no need to send him and Le Duc Tho. Also, the U.S. had much stronger means for propaganda than the North Vietnamese.

As a final word, Xuan Thuy said that he would like to speak about keeping secrets. Mr. Kissinger had spoken of this. So had President Nixon's letter to President Ho Chi Minh, and Ambassador Lodge had also recommended secrecy. Then President Nixon spoke of everything on November 3. Was this for propaganda? They, Xuan Thuy said, keep their word; they match their words to their deeds. The leakage was on the U.S. side.

¹⁰ Kissinger highlighted the last two sentences of this paragraph for the President.

Le Duc Tho said that Mr. Kissinger had spoken also of how to overcome mistrust. When our side did not keep so minor a promise, how could we speak of mistrust?

Mr. Kissinger said that if we made a catalog of grievances, he would not get back to Washington for a long time. He recalled that the North Vietnamese had published an exchange of letters between President Johnson and President Ho Chi Minh.

As for the private meetings, a number of U.S. journalists were told by people on their delegation that we were not ready for private talks. This question therefore became part of the public debate.

In any event, Mr. Kissinger continued, they could be certain that any undertakings in this channel would be strictly protected. No one can fool Mr. Le Duc Tho and Minister Xuan Thuy twice. (Smiles all around.)

Le Duc Tho said that they have been fooled many times. Mr. Kissinger said, "Not by me."

Mr. Kissinger said he recognized that anything Minister Xuan Thuy said was based on documents. Minister Xuan Thuy is a serious man. We have great respect for him. The difficult problems are not when falsehood confronts truth, but when two truths confront each other.

The North Vietnamese all smiled and Le Duc Tho exclaimed—"Philosophy!" Mr. Kissinger said that he understands Le Duc Tho is an expert in theory. Xuan Thuy said that actually Mr. Kissinger was a professor of philosophy at an American university, so his speeches always contained philosophy. Mr. Kissinger said that he does believe philosophy must precede practice, so he finds Marxism interesting. (More North Vietnamese smiles.)

Mr. Kissinger said that he would see them at 4:00 o'clock and regretted any inconvenience his having to go to lunch may have caused them. The North Vietnamese said that there was none.

(The meeting ended at 12:20 p.m.)

3. Memorandum of Conversation¹

Paris, February 21, 1970, 4:10–8 p.m.

PARTICIPANTS

Le Duc Tho, Adviser to the North Vietnamese Delegation
Xuan Thuy, Chief of Delegation
Mai Van Bo, North Vietnamese Delegate General in Paris
North Vietnamese Interpreter
Two Other North Vietnamese Officials
Henry A. Kissinger, Assistant to the President for National Security Affairs
Major General Vernon Walters, Defense Attaché, American Embassy, Paris
W. Richard Smyser, NSC Staff
W.A.K. Lake, NSC Staff

Xuan Thuy: I spoke at this morning's meeting. I would now like to hear what you have come to say.

Mr. Kissinger: I spoke last this morning. Minister Xuan Thuy said it was essential that we arrive at the heart of the problem. I believe that you, Minister Xuan Thuy or Mr. Le Duc Tho, should say what this means.

Xuan Thuy: I said this morning that you had said nothing new in comparison with the last time. You had said in asking for this meeting

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 852, For the President's File—Vietnam Negotiations, Sensitive, Camp David, Vol. II. Top Secret; Sensitive; Exclusively Eyes Only. No drafting information appears on the memorandum of conversation. The meeting took place at the North Vietnamese Residence at 11 Rue Darthé. This was Kissinger's second meeting that day with the North Vietnamese delegation. He broke off the morning session to attend a previously scheduled luncheon with French President Georges Pompidou. In an attached note, Kissinger wrote that he "indicated the most important remarks by a line in the margin" for Nixon.

This memorandum of conversation is in the form of a verbatim transcript and represents a change from how the two previous meetings—those of August 4, 1969, and the morning of February 21, 1970—were recorded, which were in the form of third person narratives. From this time onward, memoranda of conversations between Kissinger and Le Duc Tho in Paris and later in Hanoi (and Xuan Thuy in Paris on the few occasions he substituted for Le Duc Tho) were in verbatim transcript form.

A notable aspect of this meeting was Tho's denunciation of U.S. policy, which Kissinger characterized for the President in an undated memorandum reporting on the meeting as "a long, rather defensive speech in which he rejected my statement that our situation had improved and claimed that in fact it had deteriorated. He even claimed that we had lost the war." Kissinger added: "His long speech was apparently triggered by my suggesting that our position had improved since my August meeting with Xuan Thuy." But the bottom line for Kissinger in his report was: "The atmosphere during the meeting was remarkably frank and free of trivia." Although a number of issues and procedures were discussed, the parties decided nothing of substance but did agree to meet again on March 16. (*Foreign Relations*, 1969–1976, vol. VI, Vietnam, January 1969–July 1970, Document 191)

that you had something further to say. Please tell us what you mean by that.

Mr. Kissinger: I said this morning, as in the communication through General Walters, that we are willing to talk outside the existing framework. I said this morning that two things are needed: instead of arguing about the 8 and 10 points, we should establish a list of agreed objectives, and a work program. We are prepared to negotiate as part of this program the complete withdrawal of U.S. troops after a settlement is reached.²

Xuan Thuy: I would like to ask a few questions. What did you mean by the phrase “logical political process” in South Vietnam in your statement last August? This morning there was another point not clear to me. What did you mean by your statement that we want political superiority and you military superiority?

Mr. Kissinger: As the Delegate General has pointed out, I may have read so many of your words that I am beginning to speak in paradoxical terms myself, but the question the Minister has put is an important one. I want to talk to you seriously about it.

I know it is part of the Vietnamese mentality—easily explained by history and recent events—to believe that all foreigners, especially those at war, have a desire to be treacherous to the Vietnamese people. I will not therefore try to impress you with what I say, because as Vietnamese and as Marxists you are not too impressed by anything but objective factors.

But I try to understand why it is that the two sides have reached a complete impasse in the negotiations. For selfish reasons, I try to understand your position as well as I can.

What I tried to say this morning was that from *our* point of view the objective consequence of your proposals is to give political dominance to the NLF, after which we must rely on your good faith and self-restraint. You do not say this is your intention, but it is the practical consequence of your position. At the same time, I can understand from your point of view, it may seem that what we are trying to do is get military predominance, and put you at our mercy.

Xuan Thuy: That is now clear.

Mr. Kissinger: Since neither side wants to put itself at the mercy of the other, we have a problem. This is the problem I have come here to help start solving. Please excuse the long answer.

Le Duc Tho: You said that we should list the objectives we want to reach. What are your objectives? What is your work program?

² Kissinger highlighted this paragraph for the President.

Mr. Kissinger: We have two problems:

The first is to agree that this is a good approach.

The second is to give content to this approach.

Let me answer your second question first.

With respect to a work program—and we of course are willing to listen to your counterproposals because this is a delicate problem—as I told Minister Xuan Thuy when we met in August and can repeat more specifically now, the President has said that to show his interest he is prepared to let me act in a principal, if informal, capacity, on matters of fundamental importance and to meet with someone from your side at regular intervals to resolve these questions.

It may be necessary from time to time to substitute someone for me who has our confidence, when my visibility does not allow me to come.

If we agree on what it is we want to accomplish and how, we could agree also on what tasks to give to the delegations at Avenue Kleber.

In other words, the delegations would handle the details of what we agree on in principle. And, as I pointed out this morning, we would see to it that our representation would be of a background to handle this new approach.

As for the first question, I think we should take the two problems which Minister Xuan Thuy and I mentioned, and liberate them from the liturgical quality which they have had at Avenue Kleber.

We should agree on an approximate timetable on which to accomplish our work.

Le Duc Tho: You mean two problems, military and political?

Mr. Kissinger: Yes.

Le Duc Tho: You said you are willing to listen to our counterproposal. But we cannot give one since your proposal is not yet concrete.

Mr. Kissinger: What would Mr. Le Duc Tho consider a concrete proposal?

Le Duc Tho: If a discussion is to be held, there should be a program. What program do you have in mind? The definition of your program is not clear yet.

Mr. Kissinger: I shall speak with the frankness I hope I have shown before. I do so with some somberness because this is an important meeting. If it fails completely, we will be in an impasse and it would be difficult to see how to get out of it except by a continued testing of each other. As you know, I belong to those who since 1965 have tried to find a negotiated end to that war in Vietnam. I belong to those who believed that an end of the bombing would lead to productive

negotiations. I have attempted to understand and study you very carefully.

It seems to us that there is a certain pattern in your method of negotiation. This method is that you are attempting to make us pay again and again for the beginning of negotiations. You bank every proposal we make, and in return you offer only your presence at negotiations. We believe that the biggest problem we face now is whether you are in fact willing to negotiate as we understand negotiation.

It is, of course, difficult for men who have shown your heroism and dedication to envisage an end to the war which doesn't guarantee all of your immediate objectives. It is not easy for us either, because we too have had over a period of time to adjust some of our thinking.

Therefore I do not think I should put before you a very concrete list of proposals—except to say that in a real negotiation, the President has said many times you will find our side flexible and generous. If we tried to fool you, you would discover it very quickly.³

The President has charged me with this responsibility of talking to you gentlemen because we thought this private vehicle would allow both sides to speak more frankly, and would make it easier to change positions already taken in the established framework.

Our basic approach is to deal with you on a basis of reciprocity and respect. On this basis, we believe we both might try to move the negotiations forward.

We could, for example, agree today on a time to meet again, and put as the first item on the agenda the withdrawal of forces, as I stated in my statement—not just of our forces, but of all non-South Vietnamese forces.

We understand that the arrangements for the withdrawal of your forces could be put in a special category. We would not insist that they be placed on the same legal basis as ours.⁴

Le Duc Tho: I have met you for the first time today. I have read the minutes of your previous meeting in August. I have attentively listened to your statement this morning. Minister Xuan Thuy has answered you on all the points you have raised. Now I would like to add some views of mine.

I would like to speak about your views of a settlement of the Vietnam problem, and about our views on a settlement, and about the issues. But I would like to speak first about your assessment of the

³ Kissinger highlighted this and the next two paragraphs for the President.

⁴ Kissinger highlighted this paragraph for the President.

situation on the battlefield in South Vietnam, of which you spoke this morning. Only when we have a correct assessment of the balance of forces, can we have a correct solution.

Mr. Kissinger: I agree.

Le Duc Tho: I believe that your assessment is not correct and not in conformity with reality. But it is your right to assess in accordance with your subjective assessment.

I believe that over the past 15 years your assessment of the balance of forces was incorrect. I would like to recall the facts. From that, I think you can have a more correct assessment, and we may have a correct solution.⁵

After the restoration of peace in 1954, our cadres and troops were regrouped to the North. The French left Indochina. You built a puppet administration in South Vietnam, and equipped it.

There were a number of massacres against the people, of even greater barbarity than under the French.

You thought that with such repressive measures the people of South Vietnam would not stand up against these forces, but they did. They staged simultaneous uprisings and seized power in many localities. That was the first time you were mistaken in your assessment.

Afterward, you further strengthened the administration of South Vietnam and then came the strategic hamlets. But the people in South Vietnam destroyed the strategic hamlets and defeated the special war. That is the second time you made a mistaken assessment.

Then you massively sent troops to South Vietnam, to a total of nearly 600,000 if you count your allies. You used a quantity of shells and bombs greater than in any war, including toxic chemicals. It was thought that no life was possible in such shelling and chemical sprays. But the people, the compatriots in South Vietnam, not only stood up, they also defeated these attacks. That was the situation when General Westmoreland and Ambassador Lodge reported back to the U.S. Government that the situation was very good.

Then came Tet Mau Tanh (1968). It was a big failure for you. It was the third time you were mistaken in your assessment.

Now, Dr. Kissinger once again is mistaken in his assessment. If you continue to make your assessment in such a way, I am convinced you will again meet with failure. Yesterday I read President Nixon's message on the world situation and today I have listened to your

⁵ Kissinger highlighted this paragraph for the President.

speech.⁶ You said again that since August 1969 the situation has deteriorated for our side. This is your assessment in South Vietnam. In North Vietnam, you think we have great difficulties. You think the situation in the U.S. is better and better, and that in the international situation, the support we get will be less certain.

My subjective assessment is that it is not as you say.

You are applying Vietnamization, which you think is bringing success. But actually in South Vietnam, Vietnamization is beginning to suffer initial defeats. Even Secretary Laird visited South Vietnam and has said that it is having success but may have setbacks. As for South Vietnam, many U.S. journalists have come. Recently Cyrus Eaton visited North Vietnam. As for the situation in North Vietnam, we must say that the air war did create destruction in North Vietnam. But even under such fierce conditions of war, we succeeded in keeping the people's life normal. The journalists' assessment of the recent Tet will show that life was normal. Living conditions in North Vietnam are lower than in the United States. But the war has not quenched the spirit of our people. We live in a normal way.

You opened a new battlefield in Laos, and tried to crush the Pathet Lao forces, and coordinated military pressures in Laos and Vietnam. But recently, the Pathet Lao have reoccupied the Plain of Jars.

As for the situation in the United States, you understand it better than I. Yesterday I read a statement by Humphrey. He said the U.S. is faced by two problems, Vietnam and the economy. I think they are linked. You said that since August 1969 the situation in the U.S. has changed for the better, but actually since then the anti-war movement has surged higher than ever. I also want to cite the recent Gallup poll, which showed that some months ago 21 per cent of the people in the U.S. wanted immediate withdrawal, but now 35 per cent.

But a sounding of public opinion is only public opinion. In addition, I have seen many statements by the Senate Foreign Relations Committee, by the Democratic Party, by Mr. Clifford, which have demanded the total withdrawal of American forces, the change of Thieu-Ky-Khiem, and the appointment of a successor to Ambassador Lodge.

As for the world supporting us, we think we understand that better than you. Within one month of its founding, over 30 countries have recognized the PRG. That is support.

⁶ At this point, Mr. Kissinger interjected: You should be careful; some of the report's authors are here. They don't mind what you say about me, but they do care what you say about the report. (North Vietnamese smiles.) [Footnote is in the original.]

With the death of President Ho Chi Minh—he was our leader—but due to the resistance struggle of our people, his death became a source of inspiration to us.

You are still following the situation in North Vietnam to see if it will create problems for the people. This is an illusion.

Thus I must tell you that your assessment is not correct, according to my subjective assessment.

Naturally, in this war we have had many hardships to go through. But we have won the war. You have failed.

Mr. Kissinger: What?

Le Duc Tho: We have won the war. Due to your wrong assessment, you have lost the war, the longest and most costly in your history. This is not just our own view. Americans also think that.⁷

Now you think that since August the situation has deteriorated for our side. This wrong assessment will lead you to the wrong policies also. So I feel you have not realized this objective reality. You still believe in making maximum military pressure on the battlefield.

We believe that up to now you are not yet willing to have serious negotiations to settle the problem. In his November 3 speech, President Nixon said that no matter what may happen in Paris, he will carry out his private plan—his Vietnamization plan. In the annual message about the world, he said Vietnamization would push forward negotiations. Does that mean that he wants through military pressure to have a strong position at the negotiating table?

We think that you have two methods to try to end the war: (1) Vietnamization; and (2) negotiations from a position of strength. How do you want to apply Vietnamization? You proceed with a gradual withdrawal of U.S. forces down to a level bearable to the American people in human lives and cost. You will leave behind enough support forces to help the puppet forces to prolong the war. You try to strengthen the puppet troops, so they can assume responsibility for the war, and leave behind a large number of advisers. This is what people, including Secretary Laird, have said.

But we wonder whether and when the puppet troops can do that. It will take an unlimited time. We don't know when, or whether, it will be done. If it does not work, you will have the choice to remain in Vietnam or leave. We are convinced the puppet troops cannot assume this responsibility. So you will stay, and the war will drag on, and you will remain in our country.⁸

⁷ Kissinger highlighted this paragraph for the President.

⁸ Kissinger highlighted this paragraph for the President.

We are not alone in saying that Vietnamization will prolong the war. Many Americans also say this and are protesting. Therefore many are asking themselves whether Vietnamization can achieve success. You still believe that it can, according to your assessment. But we are firmly convinced it will meet with failure.

Because you were mistaken in your assessment, you met with failure in the special war; because you were again mistaken you met with greater failure in the local war; now again, because you are mistaken, you will meet with greater failure. Because the policy of Vietnamization contains many contradictions in itself.

In the beginning, you applied de-Americanization in the special war. Then, failing, you Americanized the war and met with failure. So you again de-Americanize. Before, there were over a million U.S. and puppet troops, and you failed. How can you succeed when you let the puppet troops do the fighting? Now, with only U.S. support, how can you win?

The trend of the war is heading for failure for you. So how can Vietnamization be a success, when you are already heading for failure?

Public opinion in the U.S., the press, and many U.S. political figures, doubt the success of Vietnamization. In his annual message, President Nixon said that he is still testing this policy. Let him test it.

How can you force us to accept your conditions in negotiations if Vietnamization is failing? If you continue to persist in the wrong assessment, to Vietnamize the war, and to exert maximum military pressure, that is your right. But in our view you have been mistaken, and you will commit a greater mistake. Our people will not step back before military pressure. We have been fighting for tens of years with weapons in our hands.

If you prolong the war, we have to continue to fight. If you intensify the war in South Vietnam, if you even resume bombing North Vietnam, we are prepared. We are determined to continue the fight until we win victory.

If our generation cannot win, then our sons and nephews will continue. We will sacrifice everything, but we will not again have slavery. This is our iron will. We have been fighting for 25 years, the French and you. You wanted to quench our spirit with bombs and shells. But they cannot force us to submit.

You have threatened us many times. The last time when you spoke to Minister Xuan Thuy, you threatened us. President Nixon also threatens us. But you have read our history. We fought against the French for nine years. We were empty-handed. Myself, I participated in this

resistance war against the French, without knowing military things. Yet we won victory.⁹

You have been fighting us for many years and you see how we have been fighting back for our independence and freedom.

Even though you continue, you cannot change the trend of the war.

This is not a challenge. I am frank. We are a small people. We cannot challenge anybody. We have been under domination for many years.

Therefore, if you continue with Vietnamization, with the search for a position of strength, maximum military pressure, we will continue to fight, and I am convinced we will win victory.

But on the contrary, if you really want to have serious negotiations to settle the war, if you really want to follow up what I said to Harriman, we are prepared to join you.¹⁰

We have negotiated many times; in 1946, with the French; in 1954, with the French, and the participation of the Americans too. In 1962, again with Americans. We settled matters in a logical and reasonable way.

In fact, if one side wants peace and the other war, no settlement can be reached. If you want war and we peace, we cannot settle. If we want war and you peace, we cannot settle. When both want peace, we can settle.

I think it is time for you and for us to reach a peaceful settlement. But I wonder whether really you want peace. You talk a great deal about peace. President Nixon talks about peace. You did so this morning. But, as you said, we have distrust.

You talk peace, but you make war. The problem is how to get around this. Your words are sometimes not matched by peace. We are an oppressed people, who have often been fooled by other people. We signed an agreement in 1946 with the French, but they brought in forces. After nine years, the responsible French told us they had been wrong. In 1954, as soon as the agreement was signed, it was torn up. You said this morning we have the impression we were fooled in 1956. But it is not an impression; we were really fooled. In 1962, the Pathet Lao and the Vietnamese people signed an agreement. You tore up the agreement, and the war went on.

In brief, we have been fooled many times. People do not respect agreements.

We were not the first to violate agreements. It was you and the French who were first.

⁹ Kissinger highlighted this paragraph for the President.

¹⁰ Kissinger highlighted this and the next three paragraphs for the President.

Therefore, it is my hope, but also a question, whether you will abide by what you said this morning, about good will, and respect for agreement. Therefore, I think that to create conditions for settlement, we should create some frankness in negotiations. This is in the interest of the American people. The American people have no profit in Vietnam. After ten years, you have only spent money. You have gained nothing back. They are great expenditures. Only slightly less than World War II. So it is not in your interest to prolong the war.

I think that the settlement of the war is in the interest of the American people, of the people in South Vietnam and North Vietnam, and in the interest of the relations between the people of the United States and Vietnam.

Now the hard question is how to reach a peaceful settlement. As you say, it is difficult indeed. Of course, we shall not begin today with a discussion of specific problems. Now, how to pose the questions for discussion, how to proceed, and about the timing of the negotiations as proposed by you? These are the questions to be settled first. Only then can we go into concrete negotiations. This is not the first time Minister Xuan Thuy and I have expressed our views. We said this to Ambassador Lodge, if you read the record. But you did not go into concrete questions. You still want to prolong the war, and to apply maximum military pressure. Please read the record again.

Mr. Kissinger: I have read it carefully.

Le Duc Tho: This is our viewpoint on your proposal:

As you have proposed, we have to agree on the problems to be discussed and on the work program. But we have a different approach to the problems. You think the first item is to discuss troop withdrawal. On this very point, we feel that you have not good will and are not prepared to settle the matter.¹¹

It is our desire to discuss all the problems. This is our conception. Because only by discussing all problems can you come to a settlement of all problems, come to agree, come to the signature of an agreement, and then to a discussion of the implementation of the agreement.

This is our way of posing the problems.

When we pose all the problems, the ten points cover all the problems. On this basis, we shall express our views, and you your views. Then we come to agreement on how to settle in a logical way. Neither party will coerce the other party to a solution by applying pressure. Because we understand that these are now negotiations.¹²

¹¹ Kissinger highlighted this and the next paragraph.

¹² Kissinger highlighted this and the next three paragraphs.

The second part is how to proceed.

We understand that in all negotiations (Minister Xuan Thuy has been in many) there are public and private sessions. Has President Nixon officially appointed you to have private talks with Minister Xuan Thuy and me to settle the matter? Or will you come only from time to time to discuss matters, just to have probing? And in the public sessions, will there now be a chief negotiator?

There cannot only be private talks. In the public forum also there must be somebody to lead the talks. And beside the negotiations between the U.S. and ourselves on important problems, there are other negotiations between the four parties. For the time being, the PRG does not agree to have private talks with the Saigon Administration. This is a great obstacle, too.

The present administration of Thieu-Ky-Khiem is opposed by the people and the press of the U.S., as by the great majority of the people of South Vietnam. It is very warlike.

How can we come to a settlement with this administration? We want to have talks with people of good will. We do not refuse to talk with the people of the whole U.S. administration in Saigon.

This is the situation now. For the time being, talks between the PRG and the Saigon Administration cannot be held yet. Therefore, you and we can have talks to settle all the problems we have just mentioned. Then we can both have discussions about all fundamental problems. Then agreement, and then there must still be a four-party conference too. There must be some competent leaders of delegations.¹³

As for the time limit you have proposed, we cannot set a time limit. If you show goodwill and serious intent, a settlement will come quickly. If you do not, discussion will be prolonged.

So in brief, our point of view is very clear. We wish you to have a correct assessment of the situation. We ourselves have a correct assessment of the situation. If you have an incorrect assessment, you will propose wrong solutions. Then the war will continue. There is no other way. We do not want the situation to develop this way. Xuan Thuy said that before and I reiterate it.

But if you continue the war, we shall have to continue to fight. This is an objective reality.

About the settlement, there are views we have to express. There are two problems between us: peace or war. We should choose one.

¹³ Kissinger highlighted this and the next paragraph.

If you choose peace, we are prepared to have it, and we do wish to come to a peaceful settlement.¹⁴

As you said, after a peaceful settlement, relations between our two countries will open a new page of history. We also wish what you said at the end of your speech this morning. It is our wish too, about relations between our two countries.

What Minister Xuan Thuy and I said this morning shows our good will.

Mr. Kissinger: I appreciate the frankness with which you spoke. I would suggest a five-minute break, and then I will have some questions so I can be sure I understand correctly.

(Ten-minute tea break)

Le Duc Tho: Have you visited South Vietnam?

Mr. Kissinger: I have been to Vietnam three times. I admire the courage and dignity of the Vietnamese people.

I am not sure whether I should call Mr. Le Duc Tho “Special Adviser” also? (Smiles all around)

Le Duc Tho: Whatever you like.

Mr. Kissinger: I would like to ask a few questions for clarification and then make a few observations.

The point was made that the ten points encompass the totality of the problem. Does this mean that we have to accept the ten points? Or can we assume that we can discuss the totality of the problem, with each side free to pursue its own position?

Le Duc Tho: The ten points have been laid down. We shall express our views on the ten points. You will express your views on the ten points. We shall then discuss the ten points, and come to an agreement.

Mr. Kissinger: Supposing we wish to discuss our eight points, and ask for your views on them, while you have your ten points. Together we could discuss the 18 points. (North Vietnamese smiles)

Le Duc Tho: We feel that our ten points cover all problems. In expressing our views on the ten points, you can express any views you like. We will discuss and come to an agreement.

Mr. Kissinger: Let me sum up. You would express your views on the ten points; we can express our views on the eight points, and each side can discuss the other’s—and so to agreement.

Le Duc Tho: Agreed.

¹⁴ Kissinger highlighted this and the next 30 paragraphs.

Mr. Kissinger: I understood Mr. Le Duc Tho to say, in a sentence which did not express unqualified approbation of the Saigon administration, that Hanoi is willing to talk to all of the administration in Saigon.

Le Duc Tho: That is not so. I said that the administration of Thieu-Ky-Khiem is a great obstacle to negotiations. We have often expressed our views on this subject. We will talk with any Saigon administration, without Thieu-Ky-Khiem, which stands for peace, which has good will, and which shows a serious attitude in negotiations. We have said many times why no Thieu-Ky-Khiem.

Mr. Kissinger: I am therefore correct in understanding that the four power talks can include the government of South Vietnam without Thieu, Ky and Khiem.

Le Duc Tho: Right.

Xuan Thuy: But the important thing is that the administration without Thieu-Ky-Khiem must support peace and serious negotiations because if the Saigon administration without Thieu-Ky-Khiem applies the same policy as before, the negotiations cannot succeed.

Le Duc Tho: With such a change of people and politics, a favorable atmosphere for fruitful negotiations will be created.

Mr. Kissinger: I would like to ask one more question on this subject, and then go on to the next subject. Is this posed as a preference or as a condition?

Le Duc Tho: This is a condition. We have often expressed our views. To lead to fruitful negotiations, in the present situation, public opinion in the United States and the overwhelming majority of the people in South Vietnam are demanding a change in that. This change will create conditions for a quicker settlement.

Mr. Kissinger: May I make one general point so that all will understand and we need not discuss it again. It concerns public opinion in the United States. It is important because we must assess the objective situation correctly.

Mr. Nixon was elected President, and is confident that he will be re-elected. And he believes that he understands U.S. public opinion better than some of the American visitors you see here from time to time. You must let us be the judge of U.S. public opinion.

Now, let me get back to my questions, and ask a question on procedure.

If I understood the discussion, it was that there be some forum for going for an overall settlement along the lines discussed, and at some point during these discussions, a four power conference would be revitalized.

Le Duc Tho: This is not so. In my view, there are two forums.

There is the public forum, the four-party forum. We think you should appoint a competent leader of the delegation to settle the matter.

Another forum are the talks with you or another fully authorized to have talks with us. Because there are problems which should be settled with you. But if you cannot come, there should be some competent person to deal with, so that the negotiations will be continuous.

Xuan Thuy: The last time, you told me Kleber should continue as it was. At the same time, you said another forum was opened concretely between you and myself. Therefore I raised a number of questions. You did not respond until now.

Mr. Kissinger: What questions?

Xuan Thuy: I told you this morning, the questions of troop withdrawals and of coalition government. Now we meet again, and I would like to recall the views you expressed in August 1969; that we agree to open another forum, between you and me. At the same time, the Kleber forum will continue as in 1969.

That means that there must be a successor to Ambassador Lodge. Because if you do not keep the promise made in August 1969, this may exert an influence on our talks here.¹⁵

As for the Saigon administration without Thieu-Ky-Khiem, this is another problem. Because you are demanding, and the Saigon administration is also demanding, that we and the PRG have private talks with the Saigon administration as now constituted. The PRG has refused this, and we have supported it. We must do that. Therefore, if we are to have private talks, Thieu-Ky-Khiem must be got rid of. We have described the reasons.

Mr. Kissinger: Yes, I understand, Mr. Minister. On the first point concerning the agenda, I see no problem. That is the point that you will talk on the basis of the ten points, and we will talk on the basis of anything we choose, including the eight points. This is no problem.

As to the second point, relating to our talks and the talks at Avenue Kleber, Minister Xuan Thuy has understood me with his usual precision. (North Vietnamese smiles) There has to be a competent forum at Avenue Kleber for discussions as soon as there is something to discuss. This can be arranged.

(Mr. Kissinger then said that since he was not a diplomat and lacked time, he would speak frankly in saying that the third point is impossible. Only the first part of this was translated into French, and none was translated into Vietnamese, as Le Duc Tho broke in.)

¹⁵ Kissinger highlighted this and the next three paragraphs.

Le Duc Tho: This is your show of good will—to appoint a successor to Ambassador Lodge.

Mr. Kissinger: As I explained to Mr. Special Adviser Tho, we do not believe that we always have to pay—to show good will—to gain an opening of negotiations. (Le Duc Tho laughed appreciatively.) This is particularly true since we watched the negotiations between August and October and nothing new was said, certainly by your side. You have the word of the President that negotiations will not fail for lack of an appropriate U.S. representative in Paris if there is really something to discuss.¹⁶

Xuan Thuy: But what I pointed out is that the negotiations in August were not the same as now. We should return to August.

Mr. Kissinger: We want to do better.

Le Duc Tho: Since you withdrew Ambassadors Lodge and Walsh, public opinion says the U.S. is not serious.

Mr. Kissinger: I must remind Mr. Le Duc Tho that we have excluded discussion of public opinion.

Le Duc Tho: We must take it into account.

Mr. Kissinger: That is our problem.

Xuan Thuy: We have two ears and must listen.

Mr. Kissinger: We will take care of U.S. public opinion, you take care of opinion in North Vietnam.

Le Duc Tho: Okay, but we must make an assessment of U.S. public opinion, too.

Mr. Kissinger: Okay.

We have watched the negotiations at Avenue Kleber, and in his UN speech the President even recalled a statement by Minister Xuan Thuy in a press conference, in order to show our seriousness. But there was no movement in August, September or October, and we therefore had to conclude that there was no progress at Kleber as presently constituted.

I don't think it is useful to pursue this particular line of argument very much longer. We will establish a relationship between Avenue Kleber and conversations which are going on elsewhere. And we will see to it that the proper possibilities exist if there is a real possibility for progress.

Xuan Thuy: It is a fact that there has been no progress made at Kleber for the last few months. There is a deadlock. It is not our fault. It is your fault because you withdrew the chief of your delegation. If

¹⁶ Kissinger highlighted the last sentence of this paragraph.

you follow the negotiations, that is your right. We also follow them. If you continue to follow this line now, we will have a different attitude from now. Therefore, I tell you that negotiations at Kleber may have an influence on our talks here.

Le Duc Tho: We met Ambassadors Harriman and Lodge many times, both at Kleber and in private meetings. Often there was no progress made. But it comes later. Progress could have been made. But you have withdrawn your delegate suddenly. This was a way of putting pressure on us. Minister Xuan Thuy is right. You are responsible for the deadlock. Difficult problems cannot be resolved overnight. There must be many meetings, even fruitless meetings, and ultimately problems will be solved. But you left the conference. So the fault is yours.¹⁷

Mr. Kissinger: We did not leave the conference; we left a skilled and experienced diplomat there.

Le Duc Tho: Mr. Habib has spoken with us many times. He is an experienced man. But he is not fully competent to settle the matter.

Mr. Kissinger: The President sent me, as high-ranking a person as he could have sent, to demonstrate our interest in a settlement.

Xuan Thuy: That is another problem. If there had not been the deadlock in the Kleber negotiations, it would have been easier for you and us to talk together. Only when Kleber is what it was in August, is there a full reason for me to remain here to talk with you. If Kleber is deadlocked, then I cannot stay indefinitely. If I leave for Hanoi, I cannot meet you every weekend.

Mr. Kissinger: The Minister is blackmailing me on the basis of my personal affection for him. (North Vietnamese smiles)

Xuan Thuy: It is you who blackmailed me first.

Mr. Kissinger: If we meet every weekend, there will be many in Washington who will be angry at me. Now, I believe we can go no farther on this subject at this meeting. I have taken careful note of what Minister Xuan Thuy said and understand. If there is any sign of progress, we will establish a rapid relationship which will enable the most elevated people on your side to deal with us. And we will think very carefully about what Mr. Le Duc Tho and Minister Xuan Thuy have said on this point.

If we have faithful negotiations, it will be in our interest to conduct them so that they will proceed as rapidly as possible.

This brings me to the most difficult point, having to do with the composition of the government in Saigon. Minister Xuan Thuy will remember that I told him in August that it would be impossible for

¹⁷ Kissinger highlighted this paragraph.

us as an American action to change the government in Saigon. We recognize that when we discuss all problems, as Mr. Le Duc Tho has said, the outcome will have to be one which satisfies the existing political forces in South Vietnam and will reflect their relationships.¹⁸

Le Duc Tho: We'll see when we discuss this matter. We should not now enter this discussion.

Mr. Kissinger: I simply want to make clear that we are not entering these discussions with an agreement or understanding that we will change the government in Saigon.

Le Duc Tho: Negotiations are held to settle the South Vietnam problem. The parties to such negotiations are not just you and ourselves. They are the PRG and the Saigon administration. Therefore the maintenance of Thieu-Ky-Khiem makes difficult the settlement of the problem. Suppose now you really want to settle the problem, and to withdraw your troops. Then Thieu-Ky-Khiem would have to agree, and they would not. Therefore the maintenance of Thieu-Ky-Khiem shows that you are not ready to settle.

Mr. Kissinger: There are two separate problems.

Suppose we make an agreement and Saigon opposes it—that is one problem.

The second problem is if you say in advance that the existence of the Saigon government is proof that we don't want a settlement.

With respect to the first problem, we do not ask you about your making an agreement and the NLF's not agreeing. We assume you will use your influence. The same will be true with us. (Le Duc Tho blinked slowly to show he understood.)

Now, Mr. Special Adviser, I have two observations about some points you made in your presentation.

As I had occasion to tell you outside this room, I was very impressed by what you said. I would point out only that our assessment of the situation might be wrong, but it is sincere. It is a sign of our good faith that while we sincerely believe the situation is better, we are still willing to talk on the same basis and in the same framework. (Le Duc Tho nodded his understanding.)¹⁹

I would also like to say a word about a very important question. You, Mr. Special Adviser, asked me how you can know we will observe an agreement. For all the reasons which you explained with such eloquence and power, we know that if we do not live up to an agreement, you will fight with the same tenacity and courage you have

¹⁸ Kissinger highlighted this and the next seven paragraphs.

¹⁹ Kissinger highlighted this paragraph.

displayed before. We don't want an armistice; we want a peace which will enable our peoples to develop their relationship. Since the President will be in office seven more years, it is in our interest to deal with each other honestly.

Maybe I should speak one brief word about Laos. (North Vietnamese smiles) Although my students at Harvard say it is impossible for me to say anything briefly. (More relaxed smiles)

Le Duc Tho: You are a philosopher.

Mr. Kissinger: Mr. Le Duc Tho has said that we are trying to defeat the Pathet Lao and are increasing the intensity of the war. To us, it appears that exactly the opposite is happening. (North Vietnamese smiles) Most of the Pathet Lao we observe speak Vietnamese. (Brief smiles) We would like to maintain the 1962 agreements, and are willing to listen to any proposition which would do so. I must say frankly that the confidence we have in any agreement on Vietnam must be affected by what happens concerning the 1962 agreement on Laos.²⁰

Xuan Thuy: I helped to negotiate the Laos agreements in 1962, so there is all the more reason for me to understand this question.

Le Duc Tho: The limit of the line of the Pathet Lao in the 1962 Accords had been penetrated.

But that is enough for Laos for today. You have spoken about good will, sincerity, respect for agreements, and about the relations of our people after peace. We hope your deeds will match your words.

Mr. Kissinger: May I express the reciprocal sentiment?

Le Duc Tho: If you really show good will, you will be responded by good will. As I told you, we are an oppressed people. You violate agreements; we do not.

Mr. Kissinger: We will make every effort to understand your problems. We know this is hard between different cultures. You must try to understand our problems and our concerns. (Le Duc Tho nodded his understanding.)

Now, Mr. Le Duc Tho, how do we proceed from here, in your opinion?

Le Duc Tho: We have raised a number of problems. Now we will have an overall discussion of all problems. You are fully authorized by President Nixon. We, Minister Xuan Thuy and I, are fully authorized by our government to have these discussions. The time is up to you. You let us know when we shall meet again.²¹

²⁰ Kissinger highlighted this and the next three paragraphs.

²¹ Kissinger highlighted this and the next two paragraphs.

Mr. Kissinger: General Walters will be away for a week, acting as interpreter for President Pompidou's visit in the U.S. Should we fix a time now, or leave this for a later arrangement?

Xuan Thuy: It is up to you to decide. If you fix a date, we shall arrange a program of work.

Mr. Kissinger: My absence from Washington is very noticeable. We would prefer Sunday to Saturday.

Xuan Thuy: Yes.

Mr. Kissinger: If I leave on Sunday, everyone will think I have a girl.

Xuan Thuy: Leave the girl somewhere, and come here for the discussions. This is a suggestion of good will.

Mr. Kissinger: As always, Minister Xuan Thuy has left out the essential element. First I need a girl friend.

Xuan Thuy: Look for one. I am told you have many.

Mr. Kissinger: On Saturday, March 14, I have a dinner from which my absence would be very noticeable. Having just said that Sunday is best, could I now propose a Monday?

Le Duc Tho: All right.

Mr. Kissinger: March 16?

Le Duc Tho: All right.

Mr. Kissinger: Here?

Le Duc Tho: All right. 9:30 a.m.?

Mr. Kissinger: 9:30 a.m. would be fine.

I would like to thank you for your hospitality. I appreciate the frankness with which you spoke. I hope we can soon look back on this meeting as a turning point in the relations between our two people.

Xuan Thuy: Before coming here, I thought that you had come with something new in content. But today's meeting shows that you have nothing new in content. So we are not yet further than we are at Kleber. But now we have agreed on the forum of meeting again.²²

What we have been saying today, you have said you will carefully consider. We hope your consideration will lead to future results. We hope at the next meeting you will have something new and practical in content.

Mr. Kissinger: Let me speak frankly. I am extremely busy. For me to spend all of my time on one problem is almost impossible. I am doing this only because of my own personal, and President Nixon's, intense desire to make a just and fair peace.

²² Kissinger highlighted this and the next paragraph.

We told Minister Xuan Thuy in August, we stated in the communication General Walters brought to you, and I have repeated today, that you must not think these discussions are a means for the U.S. to make unilateral concessions. We will be generous and open-minded, but we hope and expect your side will meet us part of the way.²³

Xuan Thuy: It seems that there is a difference of views on this also. You think you have made all the concessions and we none. So I think we should not use this word “concessions” any longer. Let us say that we shall meet each other to meet the common goal, peace.

You have a lot of work to do in Washington. So do Mr. Le Duc Tho and I in Hanoi. Paris is not my only job. The question of being busy is not a problem. The question is that of peace. The question is respect for independence, of willingness for peace.

Mr. Kissinger: Let’s not argue now about what we will argue later.

(After friendly goodbyes, the meeting ended at approximately 8:00 p.m.)

²³ Kissinger highlighted this and the next paragraph.

4. Memorandum of Conversation¹

Paris, March 16, 1970, 9:40 a.m.–1:20 p.m.

PARTICIPANTS

Le Duc Tho, Adviser to the North Vietnamese Delegation
 Xuan Thuy, Chief of Delegation
 Mai Van Bo, North Vietnamese Delegate General in Paris
 North Vietnamese Interpreter
 Two Other North Vietnamese Officials
 Henry A. Kissinger, Assistant to the President for National Security Affairs
 Major General Vernon Walters, Defense Attaché
 W. Richard Smyser, NSC Staff
 W.A.K. Lake, NSC Staff

Mr. Kissinger was greeted warmly. Although at the beginning of the meeting Xuan Thuy seemed less friendly than at the last, all of the North Vietnamese except Xuan Thuy were even more friendly than at the last meeting, and Xuan Thuy himself warmed up during the latter

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 852, For the President's File—Vietnam Negotiations, Sensitive, Camp David, Vol. III. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at 11 Rue Darthé. No drafting information appears on the original, but Smyser and Lake sent it to Kissinger for transmittal to the President. Kissinger forwarded it to Nixon, explaining in an attached note that "the important passages have been sidelined in red. I have not sidelined any of my opening statement."

In two memoranda drafted for the President before this meeting, Kissinger developed his approach to the meeting and asked the President to approve it. Nixon did so in a handwritten note on the first memorandum that reads: "We need a breakthrough on principle—& substance—Tell them we want to go immediately to the core of *the problem*." (*Foreign Relations*, 1969–1976, vol. VI, Vietnam, January 1969–July 1970, Document 192, footnote 5)

In the first memorandum, dated February 27, Kissinger wrote:

"There are basically two issues involved in the talks:

"—mutual withdrawal of non-South Vietnamese military forces [i.e., North Vietnamese, United States, and United States' allies], which we have raised; and

"—political settlement in South Vietnam, which they have raised.

"Agreement with the North Vietnamese on a verifiable mutual withdrawal is in our and the GVN's fundamental interests, even if there is no political settlement. But the North Vietnamese will almost certainly not wish to withdraw their forces until they have a good idea of the shape of a political settlement, since the GVN seems at the moment to have the upper hand over the VC.

"As a general line of approach in the next meetings, therefore, I propose that I put forward a precise and fairly attractive proposal for mutual withdrawal, which could be negotiated with regard to timing but would necessarily include absolute reciprocity and devices for verification. I would seek to get from them a counter-proposal on this issue and a new proposal on political settlement." (*Ibid.*, Document 192)

In the second memorandum, undated but typed on March 16, Kissinger observed:

"From our viewpoint, there is one issue to which all others are subordinate—*reciprocity* in the withdrawal of non-South Vietnamese troops from South Vietnam (and foreign troops from Laos and Cambodia). Our first objective must be to reach agreement on reciprocity in principle or in fact. Once they have done so, they have given up their claim to moral superiority and can no longer argue privately that their forces are in

two thirds. They seemed to enjoy the less serious exchanges as much as ever.

Mr. Kissinger: My plane last night had mechanical difficulties, so we had to land in Germany and I did not get as much sleep as planned. So you have me at a great disadvantage today, since I am tired.

I would like to make a technical point today before we begin.

When I came here last time, we informed the French Foreign Ministry. This time, only the Presidency knows. The Ministry of Foreign Affairs does not.

We would appreciate it if you would keep this in mind if you talk to anyone in France about my visit.

We have also kept knowledge of these meetings to a very small circle, both in the U.S. and elsewhere. Specifically, we have not spoken to any of your allies. We think that this is your problem, if you want to tell them.

Xuan Thuy: This is up to you.

Mr. Kissinger: I wanted you to know that we have no intention of doing so. I say this only because we are asked sometimes.

Xuan Thuy: We take note of that.

Mr. Kissinger: I had two questions which grew out of the last meeting and wondered if this is a good opportunity to ask them.

Xuan Thuy: Please explain what you have in mind.

Mr. Kissinger: Special Adviser Le Duc Tho said at the last meeting, when he spoke about the procedure of the negotiations, (I will have to read this in English as we translated it), "neither party will coerce

South Vietnam on a different moral and legal basis than ours. This would be a quantum jump in the negotiations."

Based on earlier negotiating sessions, Kissinger believed that the North Vietnamese would not accept a straightforward concept of publicly agreed upon mutual withdrawal. Therefore, he devised a complex scheme in which the two sides would develop independent plans for troop withdrawal, but each plan, once implementation began in the wake of a negotiated political settlement, would take place over the same span of time and result in all non-South Vietnamese forces being withdrawn by the same date. Thus, they would be implemented not on a single schedule, Kissinger told the President, but "*based on two concurrent schedules*." Kissinger added that this approach "should make it easier for them to agree to withdraw their troops, since they can save face by not having to agree to a *single* withdrawal schedule." (Ibid., Document 200)

Le Duc Tho responded to Kissinger's plan in the March 16 meeting, saying: "But when speaking about a schedule, your program shows two concurrent programs for the withdrawal of yours and North Vietnamese troops, to be completed in the same period. Therefore, your proposal amounts to mutual withdrawal." It is worth noting the North Vietnamese translation of Tho's statement: "However, when you speak about the withdrawal of the troops allegedly belonging to the North, you demand that these troops also be completely pulled out [of South Vietnam] within the same time-limit. In fact it is a demand of simultaneous and complete troop withdrawal." (Luu and Nguyen, *Le Duc Tho-Kissinger Negotiations in Paris*, p. 126)

the other party to a solution by applying pressure. Because we understand that these are now negotiations.” Could I ask Mr. Special Adviser Le Duc Tho what he had in mind?

Le Duc Tho: What is your second question, please?

Mr. Kissinger: I also have a subsidiary question to the first, but will have to hear your answer before asking it. I also have a second principal question.

Xuan Thuy: May I say a word here?

Mr. Kissinger: Please.

Xuan Thuy: Last time, we agreed between us that this time we enter into discussion of substantial questions. We said that we fully approve and support the 10 points of the Provisional Revolutionary Government. As to you, Mr. Special Adviser Kissinger, you said that you would speak about your views. Therefore, I think today we should not speak about procedural points. Today we should go directly into the matter. When we go into substantive questions and when we go into substantive views, we can put questions—not at the beginning of the meeting. This is more logical.

Mr. Kissinger: I wanted to put these questions because it is important for us to know clearly where we are going from here, and to understand each other before proceeding. It is particularly the phrase “without applying pressure” which interested me.

Le Duc Tho: May I speak now? I would propose this: Because your questions are related to one another, I propose you put forward all of them, so that my answers will be related to one another.

Mr. Kissinger: I would like now to ask my second question. We will then be finished with the last meeting, and we can go on. My second question is a procedural one. I want to understand how the Minister and the Special Adviser envisaged the course of the negotiations. It is not clear to me what Mr. Le Duc Tho meant when he spoke about the procedure of our negotiations. I want to understand whether he meant that we would first come to an agreement, then sign an agreement, then have separate discussions about implementation of an agreement, and then there would be a separate ratifying meeting, or if some of these would be concurrent. I want to know how you visualize all this.

You have been unusually clear. I have only two questions.

Xuan Thuy: The first question is not related to our discussions here so Le Duc Tho will answer it today whenever he likes.

The second question is related to our discussions here. We have repeatedly said that we fully approve and support the 10-point solution of the Provisional Revolutionary Government. In this, the last point concerns the signing of an agreement. As we have said at Avenue

Kleber and at many other meetings, we are ready to sign an agreement with you.

Mr. Kissinger: You and we?

Xuan Thuy and Le Duc Tho: All four parties.

Xuan Thuy: In private meetings with Ambassador Lodge, I repeatedly told him that the United States should have direct private talks with the PRG. But since the U.S. is not ready to do so for the time being, the DRV will meet with the U.S. to discuss all questions and come to an understanding. These are private meetings but there should also be meetings among all four parties.

Mr. Kissinger: After we have come to an agreement?

Xuan Thuy: Yes.

Le Duc Tho: This is the experience we have had with other international negotiations. There are public meetings, but (also) private meetings to come to agreement before coming to the plenary. It is the same thing every time. After the private agreement, as Minister Xuan Thuy said, it will then be tabled at a public session with all parties, for public agreement.²

Mr. Kissinger: I understand. It is clear. Now how about the first question? If you do not answer it, I shall be obliged to answer it myself, which would be embarrassing.

Le Duc Tho: Please express your view. There is nothing difficult here.

Mr. Kissinger: Our view is that while we talk, any effort by either side to bring military pressure in Vietnam or in one of the related countries would be inconsistent with our purposes here.

Le Duc Tho: Is that one of your questions, or your view?

Mr. Kissinger: I am trying to see if I understand Mr. Special Adviser correctly. What I have said is my interpretation of his remarks.

Le Duc Tho: This is your interpretation, which forces me to answer your question.

Mr. Kissinger: It is always a pleasure to hear from the Special Adviser. I hope I will not hear from him that military pressure is desirable.

Le Duc Tho: I would now like to speak about the negotiations here. We have our standpoint, our position. You have yours. The ten points and your position.³ If negotiations are to take place, discussions should be about both sides' positions, to come to agreement and to settle the

² This paragraph was highlighted in red.

³ The rest of this paragraph and the next three paragraphs were highlighted in red.

problem. This is the purpose. That is negotiation. We cannot force you to accept our position, and you cannot do the same to us. So here each side can negotiate, change views, and come to agreement. That is the problem, and it is clear.

Mr. Kissinger: It is partly clear. But I want to add that neither side will bring *additional* military pressure to bring the other to agreement.

Le Duc Tho: This is a misinterpretation of what I have said. What I was saying, was pressure *in negotiations*. As to *military* pressure, this is another question. In this regard, we think you are the side which is constantly making military pressure.

Mr. Kissinger: Well I have explained our position with regard to it, and I think that I now understand the Special Adviser.

Xuan Thuy: Now let us shift to other questions. Please explain your points.

Mr. Kissinger: Let me speak in two parts—the first procedural, the second substantive. Regarding the procedural points, I have two: I have noted that at each of our meetings, I have spoken first. The same happened at our other private meetings. But I don't think it is fair of us to take advantage of your good nature this way. I therefore suggest that at the next meeting we reverse the procedure and you speak first.

All right. Now, concerning the general procedure of these meetings.

We agreed in February that these would be serious negotiations. I told you then that we were entering these discussions with good will and earnest intent. We know that these negotiations will be difficult, but it will be no easier—and perhaps harder—to make peace at a later point. Therefore we are ready, as I told you, to be forthcoming and flexible in these negotiations. We respect your ability in negotiation as we respect your bravery in fighting. We believe, as I said last time, that our negotiations must come to a conclusion which is in the interest of both sides.

We are not here to repeat polemics or to repeat familiar positions. We are here to address the hard and specific questions, and to find agreement.

In that spirit, President Nixon has asked me to emphasize especially his conviction that what we achieve here will depend entirely upon the directness of our approach. I can make that point to you no more directly than to read you one of his handwritten instructions to me as I was preparing for this meeting.

He said, "I want you to come directly to the hard decisions and I want you to say 'we will leave details to subordinates'—there should be a breakthrough on principle—and substance. You should tell them we are ready to go immediately to the heart of the problem."

There are two principal reasons for such a direct approach. First, these talks offer a new opportunity to discuss essentials. We are

obviously concerned about the fundamental issues, considering the level of representation around this table. We can go rapidly and authoritatively to the heart of those issues, without the restraints of normal diplomatic channels.

The second reason is the one Minister Xuan Thuy mentioned at our last meeting, when he said we all have urgent duties elsewhere. Our participation in these talks is justified only if there is real progress. Repetition of standard positions, which leads to an impasse, should take place at a different level. As a student of these meetings, I am struck that both sides take extreme positions and later change them slowly. And, as a student of these meetings, I can even say that you have taken extreme positions from which you do not move at all. This particular forum is not suited to that process, and we do not intend to follow it.

We will give you our best judgment and not a bargaining position, and we will take into account your concerns. We assume you will do the same thing.

Should I stop at this point? Do you have any comment to make on what I have just said about the approach to these meetings? Or should I go on now to substance?

Xuan Thuy: (Xuan Thuy began to say something, but was cut off by Le Duc Tho before it was translated. Xuan Thuy then said:) Please speak on substance, then it will be our turn to speak.

Mr. Kissinger: I am told that in Vietnamese culture it is not proper to come too quickly to the point. I hope I have now proved my respect for your civilization, and will proceed to substance.

Xuan Thuy: It is out of our respect for American culture that we ask you to speak. Americans are known to be practical; they go right to the point.

Mr. Kissinger: Not professors, they are never practical.

Xuan Thuy: But you are a professor now doing practical work. There has been enough philosophy, so you should go to the point.

Mr. Kissinger: I know I will get a grade from Special Adviser Le Duc Tho.

Le Duc Tho: No, no.

Mr. Kissinger: At the last meeting we agreed that each side would present its position and we would then see where we stand. At today's meeting, I will state our position on the withdrawal of forces, and put forward a proposal. You then may wish to respond to this and perhaps make other proposals.

At the next meeting, if there is one, we each will have an opportunity to make further proposals and present further responses.

At our last meeting, Minister Xuan Thuy said he would like to know, “when the total withdrawal of U.S. troops—without leaving behind any troops or bases—will be completed.” Your statement raised two questions which you have often asked: whether the U.S. withdrawal will be total, and what is the exact nature of the schedule of our withdrawal.

With regard to the first question, I want to repeat what I have said before: We are prepared to negotiate now the complete withdrawal of U.S. troops. This includes *all* U.S. troops, and the evacuation of *all* U.S. bases—without exception.

Le Duc Tho: And also allied troops?

Mr. Kissinger: Yes. You have often said that there will be progress if we accept the principle of total withdrawal. We accept this principle.

As for a schedule for the withdrawal of United States troops, I am today prepared to present such a schedule to you, for such a withdrawal extended over a sixteen-month period from the date of an agreement. This schedule is based on the level of American forces which will exist by April 15—that is to say 422,000 men. In addition there are other allied forces not included in this number, which will be withdrawn.

I will now give you the proposed schedule:

—In the first month, we would withdraw 5,000 U.S. troops. Other non-South Vietnamese allied forces would be withdrawn in this and subsequent months in about the same proportion as U.S. troops.

Le Duc Tho: Please repeat the first month. (He also asked other clarifying questions of Xuan Thuy and the interpreter.)

Mr. Kissinger: I have given you only the first month. Since there are 16 months to go through, I don’t want total confusion. I want you to know the whole schedule. Each month, the same proportion of allied forces will withdraw as U.S. forces. For example, in the first month the same proportion will withdraw as 5,000 troops is to total U.S. forces. It would be the same with other months, so at the end, there would be no U.S. or allied forces.

I will now give the figures for each remaining month.

—In the second month, 10,000 U.S. troops.

—In the third month, 10,000 U.S. troops.

And in addition always allied forces, you understand, in the same proportion.

—In the fourth month, 27,000 U.S. troops.

—In the fifth month, 35,000 U.S. troops.

—In the sixth month, 35,000 U.S. troops.

—In the seventh month, 35,000 U.S. troops.

—In the eighth month, 35,000 U.S. troops.

- In the ninth month, 35,000 U.S. troops.
- In the tenth month, 10,000 U.S. troops.
- In the eleventh month, 15,000 U.S. troops.
- In the twelfth month, 10,000 U.S. troops.
- In the thirteenth, fourteenth, fifteenth, and sixteenth months, 40,000 U.S. troops in each month.

The reasons for these numbers depend on complicated technical studies, some of which I can discuss with you.

I know the temptation is to argue about this or that figure, or this or that time schedule. The important thing to remember is this: it is a plan for the total withdrawal of American forces. It is a plan that leaves no U.S. or non-South Vietnamese forces in South Vietnam. It is a plan that, once started, will proceed with ever greater acceleration, the consequences of which are obvious to you.

We reach here the heart of the problem. Both Minister Xuan Thuy and Mr. Le Duc Tho said at the last meeting that a settlement had to be on the basis of reality. I said at our last meeting that reality requires some reciprocity. It is for this that we are at these negotiations.

At the last meeting, I said that you have a special problem in placing your troops on the same legal basis as ours in a settlement, because you do not acknowledge their presence in South Vietnam and you cannot admit that they are “foreign.” I said that we would take full account of your special view of this question. We certainly have specific ideas on how this question can be resolved. But we think—in order to break the impasse—that the most productive way to handle the issue at this stage would be for you to tell us what your view is of how to handle this problem. We can then come to an agreement on the basis of two concurrent schedules which are not, however, directly linked.

In addition to this question, we believe that an essential part of an agreement would be measures which would allow each side to verify that the agreement is being maintained and completed.

Another essential principle is that all prisoners of war on both sides should be released at a very early point in the withdrawal process.

There are, of course, numerous technical questions involved in reaching an agreement on the basis of the principles I have stated. These would include such questions as the methods of communication between the two sides, regroupment areas, and whatever military arrangements such as cease-fires are related to the withdrawal process.

Once we have agreed in principle these technical issues can and should be negotiated rapidly between the two delegations at the Hotel Majestic. We would appoint a new head of delegation to conduct such negotiations.

As I said at our last meeting and repeated at the outset of this session, we are under no illusion about the difficulty of resolving these issues.

But we believe the issues can be fairly resolved, and that both sides can keep faith with their sacrifices and their interests.

We hope that you agree that the specific proposals we have made today represent a major move and that, together with the frank discussions we had in February, this could amount to a turning point.

Minister Xuan Thuy and Special Adviser Le Duc Tho agreed at the last meeting that we were engaged in “serious negotiations.” I propose now that we should make the negotiations successful.

Xuan Thuy: You are finished?

Mr. Kissinger: Yes.

Xuan Thuy: I propose a little break.

Mr. Kissinger: OK. We have a plane wandering around Germany so General Walters must make a phone call to bring it back.

Xuan Thuy: Therefore a break is suitable.

(There was then a 15-minute break.)

Xuan Thuy: After listening to what Special Adviser Kissinger has said, I have two clarifying questions. Madame Nguyen Thi Binh has stated that U.S. troops should be withdrawn within six months. We have supported this demand. And the U.S. side has said repeatedly, and publicly too, at Avenue Kleber that the U.S. is prepared to withdraw all its troops and bases within 12 months. And now Mr. Special Adviser says the U.S. would withdraw its troops and bases within 16 months after signing an agreement. So it is a longer period than, and not in accordance with, what the U.S. said previously.⁴

Mr. Special Adviser spoke about technical complexities, but not complications, so we don’t know why the period is prolonged. This makes us think about your intention of linking your withdrawals with the Vietnamization policy.

I am convinced that if you link withdrawals to Vietnamization, it would be difficult to settle the matter.

The second question is that Mr. Special Adviser Kissinger has today spoken about other non-South Vietnamese troops and said we should express views on this, although you have said that you have specific views. I therefore ask Mr. Kissinger to express his special views on this subject.

⁴ This and the next 11 paragraphs were highlighted in red.

I then have the following remarks. You have spoken today about military problems and said nothing about political problems. In our view, military problems should be linked to political problems. Therefore, I wonder when Mr. Kissinger will speak of political problems?

Mr. Kissinger: Let me take the second question first. At our last meeting I raised military problems and your side raised political problems. We therefore assumed responsibility for making a presentation to you on military problems today, and we assume you are free to make a presentation on any problem at this or the next meeting, including political problems, and we could then comment on it. But we recognize that political problems have to be discussed also.

On the first question: you asked about the relationship between our troop withdrawal schedule and Vietnamization—whether our schedule is based on Vietnamization.

In case you and we come to an agreement, the agreement will supersede the Vietnamization policy. Under the Vietnamization policy, our troop withdrawals depend on the three criteria established by President Nixon.

Under a negotiated agreement, our withdrawal continues under the schedule of the agreement as long as the agreement is being maintained, and regardless of what happens elsewhere.

As for the time period of withdrawal, of course Madame Binh did not consult us when she established a period of six months for the period of our withdrawal.

The period we have given here represents our best judgment of what is technically feasible under present circumstances. But it has certain elements of flexibility.

The major problem is to agree on the principles—including some of the principles of reciprocity. We could consider this one of the technical modalities.

Xuan Thuy: And what about modalities?

Mr. Kissinger: I have listed a series of issues. We think they can be discussed at Avenue Kleber in greater detail.

If you want to, I can give you some rough ideas we have on how other non-South Vietnamese forces should be withdrawn, but we would like to hear your ideas on this. We think it might be more natural.⁵

(Thuy and Tho talk among themselves.)

⁵ This paragraph, the note in parentheses, and the next paragraph were highlighted in red.

Xuan Thuy: Because this is a requirement of yours, you have been thinking about it. We haven't asked questions about it, so we haven't been thinking about it. What is your demand?

Le Duc Tho: You have demanded from us, so what is your demand? We demanded six months for your withdrawal. Now you have demanded something from us, this is Minister Xuan Thuy's question.

Mr. Kissinger: I find it difficult to believe that Xuan Thuy and Le Duc Tho have not yet thought about any question on Vietnam. But since you have appealed to my dominant characteristic—my vanity—I will give you some thoughts.

I want to repeat that if for historic, legal or moral reasons, you prefer to operate on the basis of two schedules, we are prepared to consider this. I am responding to Minister Xuan Thuy's request.

We regard the presence of non-South Vietnamese forces in sanctuaries in neighboring countries as having a direct impact on the war and as being part of the problem—particularly those in camps along and near the borders of South Vietnam.⁶

We believe that with the agreement, no new non-South Vietnamese personnel should be introduced, and the withdrawal then begins.

We believe that 25 percent of the non-South Vietnamese personnel should be withdrawn by the end of five months.

We believe that the return of *all* American prisoners of war should be completed at the end of five months.

After eight months, the withdrawal should be 50 percent completed.

After 12 months, it should be 75 percent completed. After 16 months, it should be totally complete, and all the bases in Cambodia and Laos along the frontier and the infiltration trails should be closed. (There was a long delay then while the North Vietnamese compared notes.)

Xuan Thuy: That is clear. Do you have more?

Mr. Kissinger: No.

Xuan Thuy: Now we will express our views.

Mr. Special Adviser Kissinger today has spoken first about procedural questions, and then about substantive questions which you called the "heart of the issue."

As to the question of speaking first, I think it is not an important question. In the previous meetings, since we met on your request, we invited you to speak first.

⁶ This and the next five paragraphs were highlighted in red.

You also recalled today the words “serious intent.” As we understand by the words “serious intent,” we understand negotiations so as to come to a peaceful settlement of the Vietnam problem on the basis of respect for the independence, sovereignty and self-determination of the Vietnamese people. And under this meaning of earnest intent, we are serious at the Kleber Street meetings.

At this meeting, our attitude is also serious. Naturally, we do want to make rapid settlement, and we will speak frankly as you say. We understand the problem is difficult and complicated. But we are prepared to find a just solution with you. Now I shall express our views on how to discuss the problems.

We have said we support the overall solution of the PRG. Now, I think it unnecessary to repeat the 10 points. We have spoken a great deal about them. I would like to propose that the negotiation should be held on two principal questions out of these 10 points. That is, military and political problems. We would like to discuss all of the problems. But the main problem is that military and political problems are linked together.⁷

The discussion cannot be held on military problems without discussing political problems, and discussions cannot be held on political problems without discussion of military problems. Therefore, we would like to discuss both political and military problems. And, if the discussion of these two military and political problems leads to agreement, then the solution of other problems should be easy.

Mr. Kissinger: What else is there besides military and political problems?

Xuan Thuy: I am coming to that.

I have been speaking of our point of view. Now I will present my views on the way to discuss the problem. Military and political problems must always be linked together. First, when talking of military problems, we may shift to political problems, and when talking of political problems, we may shift to military problems. Secondly, when discussing political and military problems, when either side thinks of a problem outside political and military problems, it may raise them.⁸

As to the schedule of withdrawal, you said Madame Binh did not consult you. But Madame Binh raised it a number of times at Kleber Street. It is not necessary to repeat here.

As for political problems, we have raised the question of replacing Thieu-Ky-Khiem, and forming a coalition government composed of

⁷ This paragraph was highlighted in red.

⁸ This paragraph was highlighted in red.

three components. This is our policy, and this is our view on the way to discuss the problem.

I now leave word to Mr. Le Duc Tho.

Le Duc Tho: I now have something to add to what was said by Minister Xuan Thuy.

It is difficult indeed to reach a peaceful solution to the war which has been going on between us and you. But whether these differences will be resolved will depend on good will and serious intent as defined by Minister Xuan Thuy.

If you continue the policy of Vietnamization or you decide to negotiate from a position of strength, then it will be difficult to resolve the problem.⁹

But if now you want really to settle the problem peacefully and seriously, we are prepared to have such an attitude. But a rapid solution will depend on this good will and attitude.

To settle this matter, Minister Xuan Thuy has asked a question of whether you are prepared to discuss all the problems contained in the 10 points. Among these problems contained in the 10 points there are two main problems: political and military problems. Minister Xuan Thuy has proposed a manner of discussion. I would like to ask if you agree on this manner of discussion. Last time I spoke clearly of my views in this connection. But today we have not received a clear answer. Instead you raised only military problems. We recognize you have gone partially into the substance of military problems. But we think we should agree on a work program and second on the manner of discussion, and then begin our work. When discussion begins, we shall present our views on political and military questions, linked together.¹⁰

But in the course of discussion, if we meet an obstacle in discussing military problems, we will shift to political problems; and if we meet an obstacle in discussing political problems, we will shift to military problems. There must be agreement between us and you on this point.

And if now we and you come to agreement on principles, then details may be referred to Avenue Kleber. When the discussions at Kleber Street are completed, then we come to the signing of the agreement.

This is one question we would like to have clear views from you on. As to military problems, you have started into the substance today, and we shall carefully study your position and I shall give you our

⁹ This paragraph was highlighted in red.

¹⁰ The last two sentences of this paragraph and the next six paragraphs were highlighted in red.

answer at the next meeting, if any. But I would like to make some preliminary remarks. These are my remarks, not yet a counter proposal.

As far as your presentation is concerned with military problems, you have stated the U.S. would withdraw all U.S. and allied troops. It is a legal basis. As for what you have said on non-South Vietnamese troops, it is a different legal basis, it is a practical and technical question.

But when speaking about a schedule, your program shows two concurrent programs for the withdrawal of your and North Vietnamese troops, to be completed in the same period.

Therefore, your proposal amounts to mutual withdrawal. Your way of speaking is in very technical terms.

As for the period of withdrawal, we think there is some setback in your proposal. It is a longer period than that proposed by you at Kleber. It was 12 months for both sides to withdraw, and now it is 16 months for both sides to withdraw, a longer period.

Moreover, this schedule is withdrawal by driblets. Previously, under Vietnamization you withdrew your troops, in what we called driblets, on an average of over 10,000 men a month. Now, under this schedule, there are months in which you withdraw under 10,000, even 5,000 men. You said we should go into substance, not bargaining, then what is this schedule?

This is one of my preliminary remarks on your presentation. But we shall study your presentation, and give a response later. Now I would like to speak about what you said at the beginning of the meeting about military pressure.

In fact, we are an oppressed people. You came to our country to oppress us, and you have constantly maintained military pressure. And for the time being, the war continues to be intensified in South Vietnam in air activities, toxic chemical operations, and pacification operations.

And you have extended the war to Laos. Since Mr. Nixon came to power he has intensified the war in Laos. He occupied the Plain of Jars, and intensified the air war to unprecedented fierceness, so as to make pressure on the Northern part of our country, and to coordinate with the South Vietnamese battlefield.

With regard to Cambodia, you have been constantly maintaining military pressure on Cambodia so that country would give up its peaceful and neutral policies. It is the U.S., for the time being—no one else—who has created and maintained this tension in Phnom Penh.

We therefore wonder which side is using military pressure to put pressure on in negotiations.

It is our firm conviction that so long as you prolong and intensify the war, you will meet defeat. The experience we have had in Laos is clear.

In Laos, as in Vietnam after the peace, you intervened. You also launched the war on the Pathet Lao. But the Pathet Lao forces were not overwhelmed. Then in 1962 the Geneva Agreements were signed. The Geneva Agreements of 1962 were torn again and war resumed. But you cannot overwhelm the Pathet Lao. You occupied the Plain of Jars. Now you lost it again. Laos is evidence of your policy of using Asians to fight Asians. But your policy fails and you cannot win.

Therefore, your Vietnamization policy will fail. If you refuse to draw experience from this situation, then there would be a second Laos in Cambodia. Prince Sihanouk said himself that Cambodia will be turned into another Laos. If you failed in Laos and Vietnam, how can you succeed in Cambodia?¹¹

We have repeatedly said that we respect the 1962 agreement on Laos and the 1954 agreement on Cambodia. But if you don't respect these Geneva Agreements of 1962 and 1954, and you intensify the war, then the Laotians, Cambodians and Vietnamese will unite to fight you. These three people were united in the fight against the French.

If you don't respect what you have signed, then certainly the three Indo-Chinese people will unite and defeat you. Therefore, the military pressure you speak about is not military pressure from our side. There is no other way for us but to continue to fight if your military pressure continues.

As for us, we don't want to make military pressure. We are an oppressed people, and we do not want to fight, but we must against aggression.

If you really want a peaceful settlement of the Vietnam problem with good will, then we are prepared for it as I said.

This is what I have to add today. We should agree on a program of work, and then begin discussions.

Mr. Kissinger: Let me make some observations. This is a quick reaction to what you have said. I have not had an opportunity to study my colleague's notes.

Very frankly, the problem exists between us that it is hard to tell when you are saying something for psychological effect and when you are saying what you believe. For example, last time and today you keep saying that our air operations have intensified. But they have actually been reduced 25 percent. I do not know what this may mean to you, but I know they have been reduced by 25 percent. It is a fact.

Xuan Thuy: Theoretically speaking.

Mr. Kissinger: No. Practically speaking.

¹¹ This and the next paragraph were highlighted in red.

Le Duc Tho: Counting raids against North Vietnam, including B52's around the DMZ?

Mr. Kissinger: Counting everything. I am not saying that this is a consolation for those still receiving the bombs, but it is a fact.

Secondly, what you say concerning Laos is an interesting example of the problem we both face. You say you want to preserve the Accords of 1962 and that we are trying to upset them. We sincerely believe that we are trying to preserve them, and you are trying to upset them.

If I can make a personal observation, you are doing better in upsetting them while "seeking to preserve them," than we are doing in preserving them while "trying to upset them."

Le Duc Tho: What you have just said about Laos reminds me of what you say about South Vietnam. You are constantly saying that we scrapped the 1954 Agreements but the opposite happened. This was like Laos.

Mr. Kissinger: Rather than debate what happened in Laos and who is responsible for what in Laos, let me make the following statement.

If you are really interested in preserving the 1962 Accords and are not trying to advance further, we have no interest in increasing the bombing in North Laos. Under these conditions, any bombing by our side in Northern Laos would be sharply reduced to very minimal proportions.¹²

On the other hand, if offensive operations on your side continue, then the question you have put to me becomes very relevant to us—how can we have confidence in any future agreement between us if present agreements are being broken.

Le Duc Tho: It is the reverse of what you said. It is our side which must wonder whether you will respect and maintain agreements you sign, from the fact you violated the agreement in Laos.

Mr. Kissinger: I do not want to debate with Mr. Special Adviser. Rather than accuse each other of violating agreements, I think it is important to make a concrete step, and for both of us to stop what we are doing.

Le Duc Tho: This is our firm conviction: We have always been respecting the Geneva Agreements of 1962. And if now you propose that we no longer debate who is responsible for what, we can sign an agreement to stop the debate here now.

Mr. Kissinger: I don't want to stop the debate. I want to stop what is going on. An interesting fact, as I said the last time, is that most of the Pathet Lao we meet speak Vietnamese very well.

¹² This and the next paragraph were highlighted in red.

Le Duc Tho: I think if you stop your aggression in Laos, the Pathet Lao will stop fighting.

Xuan Thuy: I would like to add one sentence to close this chapter. I agree we should not talk of the Laotian problem in our talks here.

As to the whole problem of Laos, since I was one of the negotiators on Laos, I am fully aware of the problem. If I now speak of Laos, I must speak of the beginnings—how the U.S. intervened, how the U.S. makes aggression, etc. It would be too long.

Mr. Kissinger: I do not wish to prolong the debate on Laos. We are prepared to maintain the Accords. We are prepared to discuss concrete steps to preserve the Accords. We have no intention of having Laos as a base in Southeast Asia or directed against North Vietnam. We cannot accept having the 1962 Agreement overthrown, which would have serious consequences on our discussions here. This is not a debating point, it is a fact. I want to state it as precisely as possible.¹³

One final point, we have no desire to take away territory from the forces which now occupy it on the Communist side.

Le Duc Tho: I firmly believe that if you stop your aggression and really respect the Geneva Agreement of 1962, then the matter can be easily solved.

Xuan Thuy: May I add one sentence, then shift to another? Not only do we respect the 1962 Agreement, we support the five points put forward by the Neo Lao Hak Xat. Now we should continue: Have you any other problems to raise?

Mr. Kissinger: Yes. I would like to raise a few points about what Mr. Special Adviser has said. We have made no effort to get Cambodia to abandon its policy of neutrality. Until a few months ago we did not even have diplomatic relations. Even today, we do not have full diplomatic representation there. And *we* do not have forces on Cambodian soil.¹⁴ Therefore, we have no problem respecting the neutrality of Cambodia. As you saw from what I said at Minister Xuan Thuy's request, that is all we want from Cambodia.

It is also incorrect to interpret what President Nixon says as meaning that we *want* Asians to fight Asians. I don't think it is useful to discuss the Nixon Doctrine at this point though I could do so at some point.

Le Duc Tho: All right.

Mr. Kissinger: We are interested in peace in Southeast Asia and the independence and sovereignty of the countries concerned. And I

¹³ This and the next two paragraphs were highlighted in red.

¹⁴ The paragraph up to this point was highlighted in red.

am enough of an historian to believe that the day may come when Hanoi perhaps will believe that this is a policy which can benefit it.

But I don't think we should debate historic causes. Our participation is worthwhile only if we discuss solutions. These exchanges of who did what in 1962 are not appropriate at our level.

As for your comments on the specific proposal I made today, I would not expect experienced diplomats like Minister Xuan Thuy and experienced advisers like Special Adviser Le Duc Tho not to challenge whatever we said to see what I will say next.

Le Duc Tho: Because your proposal is still an argument of beginning, it has not gone into substance. You have put forward a high price.

Mr. Kissinger: On what you said about dribblets, when one withdraws close to 500,000 men over whatever period, it is not dribblets. Especially when it is a continuing process and the numbers increase each month.

Le Duc Tho: But the entry of your troops was very rapid.

Mr. Kissinger: It just seemed that way to you.

Le Duc Tho: It is a fact.

Mr. Kissinger: No, it took over two years.

Let me demonstrate my inexperience as a diplomat by making the following statement to Minister Xuan Thuy and Special Adviser Le Duc Tho: If we come to an understanding about the other issues in the negotiations, the question of timing will not be the one on which the negotiations will fail—although we will not reach the exuberant optimism of Madame Binh. Let me therefore say that in our future discussions, we should concentrate on solutions and not on placing blame.¹⁵

Now let me turn to the essential points Minister Xuan Thuy and Special Adviser Le Duc Tho made. As I understand the proposition, it is this: the 10 points advanced by your side and the various proposals advanced by ours resolve themselves essentially into two issues. There are military issues and there are political questions. You believe these two issues are closely related. We are willing to discuss these two points together.

As I understand it, there should be flexibility in switching from one set to another, so if progress is made in one area it can be used to reinforce progress in another. And if there is deadlock in one, we can try to reduce it by progress in another.

Le Duc Tho: Right.

¹⁵ This and the next four paragraphs were highlighted in red.

Mr. Kissinger: We are prepared to proceed on this basis. It must be clear that this particular forum can only be maintained if there is real progress and not just general discussions. I don't believe the President would agree to continuing these meetings if they are only for an exchange of views.

On this basis, perhaps the best procedure is to stop talking about good will, and to begin to practice it.

Xuan Thuy: To sum up, today we have agreed. We raised the 10 points, you the 8 points, and others. We shall concentrate the discussion on military and political questions. You have agreed that we will switch from one to the other. You have agreed on this manner of discussion.

As to your proposals on military problems, I agree with Mr. Le Duc Tho that we will study them and speak out our views later.

As to the military and political problems we have raised, we would like to hear from you next time.

Mr. Kissinger: We have spoken on military questions.

Xuan Thuy: Next time you will speak on political questions and we will speak on military questions.¹⁶

Mr. Kissinger: Mr. Minister I admire your skill but . . .

Le Duc Tho: We agreed in principle.

Mr. Kissinger: To maintain symmetry, and so that I do not develop a complete inferiority complex, I suggest that you speak on political questions, and we will be prepared to comment, and you give us your views, and you make your proposals, in a framework different from that we have already discussed.

Le Duc Tho: We would like to propose that you should speak on both problems, military and political, and then we will speak on both. It is not a question of inferiority complexes. It is negotiations. You expose your views on military and political questions and we will comment and make known our views.

And actually we have spoken on political questions, of coalition government with three elements. You only said that a solution must reflect the balance of political forces. We have spoken about the principles of how to solve the political problem.

Mr. Kissinger: I still believe that we cannot have negotiations if we are put in the position of students being examined by you on our understanding of your position on the 10 points.

¹⁶ This and the next four paragraphs were highlighted in red.

Le Duc Tho: This is not true. These are negotiations between us. We have expressed our views. We would like to hear your views on the whole position. Then we will speak.

Mr. Kissinger: But there is no law of nature which insists that it is always our side which should make propositions. What concerns me is that I am always in the position of being a student of Mr. Le Duc Tho.

Xuan Thuy: Just as Special Adviser Kissinger said, our negotiations are aimed at coming to a real settlement. It is an exchange of views. The more rapidly this is done the better. That is why we like to listen to you on both of these crucial questions, so that it is easier for us to express our views. As to our positions, on the main, the principal questions, we have stated our positions.

Mr. Kissinger: So have we. If both sides state their points of view, there is no point in these meetings. Let me make one thing clear. You must not think that I have come here only to accept your propositions. I have come here to find an honorable compromise. If you believe that I have come here to accept your proposals, then we should stop these negotiations now.¹⁷

Le Duc Tho: But I have told you that we are here in negotiations, to come to an agreement. Neither side forces the other to accept its position. Neither side puts pressure to force the other to accept its position. We expound our point of view.

Mr. Kissinger: We will then both come to the next meeting prepared to be specific, and prepared to state our positions, not simply to comment on the other's position.

Le Duc Tho: This is quite right and clear. Please comment on our position.

Mr. Kissinger: You must say something first.

Le Duc Tho: We will speak on our position.

Mr. Kissinger: I have some technical questions. When do you want to meet next?

Xuan Thuy: It is up to you to decide. We are busy from now to the end of March. It is up to you to decide after the beginning of April.

Mr. Kissinger: First, let me ask another question. Must it be in Paris?

Le Duc Tho: Where should we go?

Mr. Kissinger: I have no specific idea. The problem is that it is extremely difficult for me to move without being observed. For example, I have to be in Switzerland in mid-April for a conference. But I do not insist on this.

¹⁷ This and the next four paragraphs were highlighted in red.

Xuan Thuy: Because you can come only on a weekend, we should meet on April 4th. You have easy transport means.

Mr. Kissinger: I would be happy to send a plane to bring Mr. Le Duc Tho to the United States. We could have a meeting of special advisers and ignore the other ministers and advisers.

Xuan Thuy: It is hard for us to go to other countries. And the French Government sends someone to accompany us.

Mr. Kissinger: I invite you all to the United States.

Le Duc Tho: After a settlement of the problem.

Mr. Kissinger: I could probably come on the 5th of April, if that is convenient.

Xuan Thuy: We are willing to sacrifice our Sunday.

Mr. Kissinger: If Minister Xuan Thuy goes to church, I must revise all my opinions of him. 10:00 a.m.?

Xuan Thuy and Le Duc Tho: All right.

Mr. Kissinger: It may have to be on the sixth.

Le Duc Tho: 9:30 would be better.

Mr. Kissinger: All right.

(The meeting ended at approximately 1:20 p.m.)

5. Memorandum of Conversation¹

Paris, April 4, 1970, 9:30 a.m.–2:30 p.m.

PARTICIPANTS

Le Duc Tho, Adviser to the North Vietnamese Delegation
 Xuan Thuy, Chief of Delegation
 Mai Van Bo, North Vietnamese Delegate General in Paris
 North Vietnamese Interpreter
 Two Other North Vietnamese Officials
 Henry A. Kissinger, Assistant to the President for National Security Affairs
 Major General Vernon Walters, Defense Attaché
 W. Richard Smyser, NSC Staff
 W.A.K. Lake, NSC Staff

(The meeting began with some opening pleasantries.)

Mr. Kissinger: I have one technical point, and then look forward to hearing your views. It is a minor technical point on the figures I gave you at the last meeting.

The figure for the number of U.S. troops now in Vietnam is 12,000 higher than the figure I gave you, that is the total figure is 434,000, not 422,000. You should therefore change the figures I gave you last time as follows: In the fourth month, rather than 27,000 men we would withdraw 35,000. And in the fifth month we would withdraw 39,000 rather than 35,000.

These figures do not make any substantive difference, but I wanted to be exactly accurate.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 853, For the President' File—Vietnam Negotiations, Sensitive, Camp David, Vol. IV. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at the North Vietnamese Residence at 11 Rue Darthé.

In his April 6 memorandum to Nixon on the meeting, Kissinger reported that, as instructed by the President, he took a strong line with Le Duc Tho, "stressing that there was no sense in another meeting unless they were prepared to say something new. Though they were obviously prepared to meet again, without precondition, they were not prepared to promise this. Therefore, we agreed not to set another date now but to get in touch when either side was ready to meet next." Kissinger further stated: "Since we are obviously at the end of a phase (and perhaps at the end of the meetings), it may be useful to sum up their results." He then provided the President with a list of accomplishments from the talks so far, but concluded his list on this note: "It is probably just as well that there is not another meeting soon, since we would have been hard put to develop further proposals at the time." (*Foreign Relations*, 1969–1976, vol. VI, Vietnam, January 1969–July 1970, Document 223)

Kissinger later summed up the February 21, March 16, and April 4 meetings by noting Tho's statement that "unless we [the United States] changed our position, there was nothing more to discuss." (Kissinger, *White House Years*, p. 446)

And, as I have said, there are elements of flexibility in our proposal with respect to timing.

At the last meeting, Special Adviser Le Duc Tho and Minister Xuan Thuy said you would carefully study our position on military issues and make a counter-proposal. I wonder if you are ready to do so now? Of course, we recognize this question will be dependent on the settlement of political issues, which we are also willing to discuss today.

Xuan Thuy: You have finished?

Mr. Kissinger: Yes.

Xuan Thuy: We said that you have made a proposal on military questions and we shall make our remarks on this proposal and put forward our own proposal. But last time I also said both sides should put forward their views on military and political questions, and you have not finished. We shall do the same, we shall put forward our position on both.

Last time you spoke only on military questions. I therefore propose you put forward your position on political problems.

Mr. Kissinger: I also pointed out two things last time. It is not admissible that we always speak first and put forward our position. You are then in the position of a critic commenting on our proposals.

There is nothing in your position which says you can't speak now on military questions, and then we speak first on political questions.

Xuan Thuy: Last time, I said who speaks first or last is not an important point. It should not be raised as a procedural question. I also said that each side should present its stand on political and military problems at one time.

Mr. Kissinger: But I am sure the Minister will agree there should not be a procedure in which one side makes a proposal and then quotes itself as truth. This is an elemental way of proceeding. All the essential elements of our proposal on military issues are not on the table.

If procedure isn't important, then the Minister should have no hesitation in commenting now.

Xuan Thuy: I wish to say this: the reason for my requesting this procedure is that previously you intended to settle only military questions. We said political and military questions are linked. Therefore if you speak only of military questions, it might make me believe you retain your original scheme of only discussing military questions.

Mr. Kissinger: I have told the Special Adviser that we will discuss military and political questions. We understand you will not agree to one without the other. We recognize that military and political questions are closely linked. I know the Special Adviser and Minister are capable of protecting your essential position, which is that military and political questions must be resolved simultaneously.

Xuan Thuy: You refuse to present your views on political problems; this is done intentionally by your side.

Mr. Kissinger: The Minister can assume that everything I do is intentional.

Xuan Thuy: However, I am prepared to express our views on military and political problems at one time.

At our last meeting on March 16 Mr. Special Adviser Le Duc Tho and myself have given preliminary remarks on the views expressed by Mr. Special Adviser Kissinger and on the schedule for troop withdrawal.

Afterwards, we have carefully studied your views and schedule for troop withdrawal.

Today, I would like to reaffirm the views we expressed the other day and would like to make ampler comments on it.

(Xuan Thuy now began to read from notes, and continued to use them throughout the remainder of this particular statement. He was occasionally corrected in a word by Le Duc Tho.)

First, we have expounded our view that the United States has insisted on demanding mutual troop withdrawal. We have also said that the U.S. has brought U.S. and other foreign troops allied to the U.S. one-half the way around the world for aggression in Vietnam. Therefore, the U.S. must completely withdraw all U.S. and allied troops from Vietnam without imposing conditions on the Vietnamese people.

As to the Vietnamese people who are fighting on their own soil, it is the legitimate self-defense right of any nation.

Therefore, the question of mutual withdrawal does not arise.

But in the views you expounded last time, you said the non-South Vietnamese forces cannot be put on the same legal, moral and historical basis as U.S. troops. It is only a technical problem.

But in practice your proposal is tantamount to a demand for mutual withdrawal. Therefore we cannot accept this principle.

Point two: As to the time period for troop withdrawal, previously the U.S. did not mention any time period. But in President Nixon's November 3, 1969, speech he demanded mutual withdrawal in twelve months, and this was later repeated many times at Kleber Street.

But now at our private meetings, where we have agreed we should go directly into the heart of the central matter, and solve matters practically, you have put forward a higher price—sixteen months and not twelve as before. And for this sixteen month troop withdrawal, the greater part of U.S. forces will be withdrawn at the end of the period.

This shows that you still want to prolong your war of aggression, to prolong troop withdrawal so as not to withdraw all of your troops.

Point three: You also said that only when we came to agreement here would you appoint a new head of delegation at Kleber Street. This shows you want to prolong discussion and still want to downgrade the Paris talks on Vietnam, and want to use the appointment of a head of delegation as a condition for us.

Point four: While you have acted at the Paris Conference as I have just stated, you have also escalated the war in South Vietnam and Laos and you organized a coup d'état in Cambodia in attempting to use these two places to put pressure on the resistance fight of the Vietnamese people and to threaten the Democratic Republic of Vietnam.

The last time, you said we should not use military pressure on the negotiations. But in practice the U.S. has used military pressure. You want to compel the Vietnamese people to accept your terms.

All this makes us doubt your serious intent and your desire to make a settlement as has been affirmed many times by Mr. Special Adviser Kissinger.

And today you refused to expound your views on political problems following doing so on military problems. I have said many times that political problems should be linked to military problems.

But anyhow I will present our stand on military as well as political problems. As a matter of fact, we have presented the great lines of both our positions on military and political problems. Now, may I go into greater detail on both.

First, this military problem: we propose that U.S. and other troops of the U.S. camp should be withdrawn from South Vietnam in a period of six months. That expresses our support of Minister Madame Nguyen Thi Binh's proposal.

In this six month period we propose that all U.S. combat troops—infantry, Marine, Air Force, Naval forces, motorized forces—should be withdrawn first, and then all remaining forces be withdrawn in the same period.

The other foreign troops of the U.S. camp should be withdrawn with U.S. troops.

At the same time with the withdrawal of U.S. troops and other troops of the U.S. camp, all U.S. bases should be dismantled or evacuated in six months.

As to the political problem, we propose that the U.S. respect the fundamental national rights of the Vietnamese people: independence, sovereignty, unity, and territorial integrity, and to recognize that South Vietnam be independent and neutral.

Another point—the form of government in South Vietnam and the organization of general elections will be implemented in three steps:

The first step—the present Saigon administration we recognize as a reality. But the leaders of the present Saigon administration—that is

Thieu-Ky-Khiem—they are very warlike oppressing peace and neutrality. They terrorize the opposition forces in South Vietnam who are for peace in South Vietnam. Therefore they constitute an obstacle to a peaceful solution. Therefore the leaders of the Saigon administration—Thieu-Ky-Khiem—should be changed and a new Saigon administration should be formed which really stands for peace. It should send representatives to Paris for serious negotiations.

The second step is to form the provisional coalition government in South Vietnam including three components: the representatives of the Provisional Revolutionary Government, the representatives of the Saigon Administration without Thieu-Ky-Khiem, and the representatives of all other political forces whether in South Vietnam or abroad for political reasons. But all three components are standing for peace, independence and freedom of South Vietnam.

We think such a government is reasonable, and not the monopoly of any force.

The third step: after the withdrawal of U.S. troops and other foreign countries of the U.S. camp, then free and democratic elections will be organized in South Vietnam. Through these elections a national assembly will be established and a constitution drawn up. And then a definitive coalition government in South Vietnam will be formed.

As to the question of Vietnamese forces in South Vietnam: after agreement is reached on these military and political problems, we are prepared to discuss them.

As to the Paris conference on Vietnam, I once again request that the U.S. appoint a new chief of delegation.

These are our remarks and also our proposals.

Mr. Kissinger: I appreciate the remarks of the Minister. I would suggest we proceed as follows.

I will make comments on political questions which I have prepared and brought with me, and then make some comments on what Minister Xuan Thuy has said.

I recognize that the political issue is the most difficult problem that we face in these negotiations. It is at the heart of the problem as far as the Vietnamese are concerned. It is what the war has been about for over thirty years.

I pointed out at previous meetings that it is the view of my government that there should be created a process to register the existing relationship of political forces. This, we recognize, is not an easy matter to accomplish. It requires two things: that we agree on the existing relationship of political forces and secondly that we agree on a political process to express this relationship.

These are problems which people who operate in the same political and philosophical framework have difficulty in resolving. Given our philosophical differences, this is especially difficult.

I have had enough philosophical exchanges with Special Adviser Le Duc Tho and Minister Xuan Thuy on the meaning of Leninism to know that sharing of power is not an evident conclusion one can draw from Lenin's theories.

I know that as Leninists you will agree with the proposition that there is no such thing as a static political situation. Our challenge, therefore, is to create a process which does not foreclose any outcome and gives every party a chance to participate and an adequate opportunity to contest the political issues.

What we are trying to do is to bring about a situation where the contest in Vietnam is political and no longer military. We are trying to separate the military from the political struggle.

Let me put it another way. We will not accept a military imposed solution. We will accept an outcome that reflects the popular will as reflected in a process that you and we have agreed on here in Paris.

I repeat: we recognize that this is difficult to do, but this is our objective. If we both could agree on this objective, we shall have taken a major step forward.

Our objection to your proposals is not their objective. But their practical result is to eliminate the possibility of a fair process. They would predetermine the political outcome by selecting those you define as peace-loving and by smashing the political forces of those who are opposed to you.

Let me make one more general observation. There is a big difference between discussing political and military issues. On military questions, we can make very precise proposals because they can make a change in the situation only if they are accepted. On the political field, however, the mere act of discussing political proposals changes political realities, as you understand better than I.

Le Duc Tho: What do you mean that the mere fact of discussing may change political realities? It is difficult to understand your philosophy, which is a little tortuous. It is different from Marxist philosophy, which is very realistic and practical. Bourgeois philosophy is very murky. I find nothing concrete.

Mr. Kissinger: When the war is over, I will invite Special Adviser Le Duc Tho to the United States to lecture on Marxist philosophy.

Le Duc Tho: If this would be good, I am prepared to do it any time.

Mr. Kissinger: I have noted that when the Secretary General of the Soviet Communist Party speaks, it is never for less than four hours. Mr. Le Duc Tho should be grateful I never speak more than one half hour.

Le Duc Tho: But since you came here for these meetings, sometimes you speak over thirty minutes, but say nothing concrete. Last time you said Harvard professors never speak more than 45 minutes.

Mr. Kissinger: Never less.

Le Duc Tho: Never more than thirty minutes.

Xuan Thuy: Please continue. If not less, take some hours.

Mr. Kissinger: It is very difficult to please my colleagues from Hanoi. When I say something general, they accuse me of not being a Leninist. When I say something specific, they don't like it.

If I may tell the Special Adviser one joke, I will then continue my remarks. Someone asked Anatole France if he had read Kant. France said no; he had read nine volumes, but the verb was in the tenth.

Le Duc Tho: I am waiting for the last part of your speech.

Mr. Kissinger: I will now respond to the Special Adviser's question. He interrupted me just as I was going to make my point.

Le Duc Tho: Please continue.

Mr. Kissinger: Let me give an example of where a political proposal could change reality: If I told you Madame Binh was an obstacle to progress and should be replaced, and you agreed, and she found out, I think you will agree that her morale would suffer. And therefore the degree of precision which is possible in making proposals depends necessarily on the imminence of a settlement at that time.

Let me therefore state a few basic general principles of our approach to the political problem, which I hope you will find concrete enough.

It is unreasonable for either side to believe it can select the personnel with which it will deal on the other side. You have demanded the replacement of certain leaders of the Government of Vietnam as a prelude to the negotiating process. We cannot accept this demand any more than we ask you to renounce the Provisional Revolutionary Government.

On the other hand, after a settlement and once there is a political process on which we have agreed, we would expect that the control of power would be determined by that process and not by outside forces—neither we nor others.

Le Duc Tho: No interference by outside forces?

Mr. Kissinger: Correct. That is an important point.

We both seem to agree that the political process must reflect the will of the people. This is why we both have free elections as part of our political proposals.

We admit that understanding Vietnamese politics involves procedures which differ from ours and involves a culture and set of traditions very different from ours.

We recognize that you have a question about elections, as you believe who organizes them affects the results. We are willing to explore with you various methods of organizing the determination of the popular will or of determining the popular will. We believe, for example, that there are many creative possibilities in the mixed electoral commission we have proposed, possibilities which go far toward meeting your reasonable requirements.

Le Duc Tho: This is not a move at all. It does not go far, this mixed commission; it stands still.

Mr. Kissinger: The Special Adviser always interrupts just before the crucial sentence.

Le Duc Tho: I am always waiting for the crucial sentence.

Mr. Kissinger: His Leninist powers of prediction fail him.

Le Duc Tho: I have powers of prediction. This is just like Kleber. Nothing new.

Mr. Kissinger: I was going to say: And we are willing to entertain other proposals to achieve these objectives.

You also should understand that we are prepared to discuss the relationship between free elections and how political power is shared. For example, the following types of questions could be discussed:

- whether elections for the executive should be direct or indirect through elections for a parliament;
- how electoral districts can be drawn to give a realistic expression to the real political forces in the country;
- the relationship between executive and legislative power and between the provinces and Saigon; and
- how elections would affect the future safety and vitality of political forces on both sides.

It may also be possible that the most realistic way to begin the process would be in the provinces and locally before resolving problems in Saigon.

Finally, the shape of an outcome will be influenced by the character of military questions. For example, you cannot have elections in some areas without local ceasefires. In any case, we recognize there is a linkage between military and political issues.

These are the general principles which I wanted to put before you today.

But let me sum up the proposals we have made.

—We have agreed, as you have requested, to the principle of total withdrawal of U.S. and allied forces.

—Second, we have given you a precise schedule for this withdrawal and have told you the timing of this schedule is flexible and will not be an obstacle to a solution.

—Third, we have told you we are not committed to the maintenance of any political force in power once a settlement is achieved.

—We have told you the methods which we think are appropriate to consult the will of the people but we have said that we are willing to entertain proposals you wish to put forward.

—We have told you we are prepared not only to discuss free elections in the abstract, but also the relation of elections to various elements of the distribution of political power.

Le Duc Tho: Please clarify this.

Mr. Kissinger: I am referring to such questions as the relationship of the executive to the legislative power, the protection of minorities, the relationship between the provinces and Saigon, etc.

—We have indicated that we are prepared to discuss the relationship of military to political issues.

—We have indicated our willingness to link military and political issues, both in general and specifically in discussing ceasefires.

—We have indicated our willingness to set a target date for our deliberations.

Le Duc Tho: What do you mean by a target date?

Mr. Kissinger: When we began our discussions, I suggested we fix a date, a deadline, by which time we would have finished our work. The Special Adviser refused.

In short, we have shown good will and serious intentions, and we will not be responsible before history for any failure of these negotiations.

Now I would like to make a few very brief remarks about what Minister Xuan Thuy said.

Many of my remarks were included in the comments I just made.

I have not found in three sessions anything new in what you said, anything which you have not already said at Avenue Kleber.

Let me make a few points on withdrawals.

The Special Adviser and the Minister are simply making debating points concerning the sixteen month deadline. I have already said that we are ready to be flexible, if we come to agreement on other points. Although the six month demand is out of the question for technical and other reasons.

Secondly, a word about Laos and Cambodia.

(NVN discuss among themselves.) I am always hoping I can get you gentlemen to argue among yourselves.

About Laos and Cambodia: I am always very frank, and can therefore never tell whether what you say is what you think or for the record.

I participate in all the highest deliberations of our government. I know we have no intention of using Laos to put pressure on you in North Vietnam.

I know that we would have been prepared to settle for the status quo in Laos. I offered on two occasions, on behalf of the President, that we would reduce our military operations in Northern Laos if you will agree to cease your offensive operations.

We are prepared today to make an arrangement with you which guarantees the neutrality of Laos and guarantees also your security from anything which might happen from Laos.

As for Cambodia, we have no intention of using Cambodia to bring pressure on Vietnam and we have not used Cambodia to bring pressure on you.

We are prepared to make arrangements to guarantee the neutrality and inviolability of the neutrality of Cambodia.

The objective consequences of our proposal on the withdrawal of forces are sufficiently clear for us not to want to create other military situations in Southeast Asia.

I told you last time it is inconsistent with the purpose of our meetings to bring additional military pressure on the other side in Vietnam or in related countries. We apply this principle to ourselves as well as you.

To us it looks as if you continued your offensive actions in Laos all during our discussions.

You started new offensive operations in South Vietnam four days before I came here to Paris to talk in good faith.

This is why I believe we should return to the principles with which we started, to try to overcome the distrust which exists between us, and to make a major effort to settle this problem. You will find us willing to meet you.

As for the question of representation, we have expressed our point of view. We are well represented for the present negotiations, and we will adjust our representation to objective reality.

I would like to say again that I have come across the ocean four times, at my initiative, to see you gentlemen. I am prepared to negotiate in good faith, and hope we can someday look back on these negotiations as a turning point.

Thank you for your patience.

Xuan Thuy: I would like to propose a break for a few minutes. Then I will state some of my thoughts.

Mr. Kissinger: One more question: You said you would discuss the withdrawal of your forces after other questions were settled. You would discuss this with whom?

Xuan Thuy: I said, when we settle both questions, military and political, then the question of Vietnamese forces in South Vietnam will be mentioned.

Mr. Kissinger: With whom?

Xuan Thuy: We shall see.

Le Duc Tho: Principles are not clear yet.

Mr. Kissinger: I think that the Minister is more difficult than I.

Xuan Thuy: Since meeting with you, I have become more difficult.

Mr. Kissinger: You were always tough. Speaking for the Nixon Administration, we inherited you as opponents—we didn't pick you. We will pick easier opponents.

(There was then a ten minute break. Tho and Xuan Thuy consulted upstairs. The meeting resumed with pleasantries during tea.)

Le Duc Tho: (to Xuan Thuy in Vietnamese): Ask.

Xuan Thuy: May I ask some questions for clarification?

Mr. Kissinger: I would rather tell stories, but please go ahead.

Xuan Thuy: It is quite right that you don't like to answer, but I am forced to ask you to answer—although sometimes your answers don't answer the questions.

Mr. Kissinger: Intentionally. I learned from reading the record of what Minister Xuan Thuy said at Kleber.

Xuan Thuy: The first question is that you spoke about general elections, when they will be organized, whether they will be organized when U.S. and allied troops are still in South Vietnam or after complete withdrawal.

Second, you spoke about organizing elections in the provinces before going upwards. What is your intention in saying this? Why do you put it this way?

Third, you spoke of the distribution of power among political forces; please clarify this. I am not clear about that.

Mr. Kissinger: With regard to the withdrawal of troops, we would do it either way. If your side prefers to defer elections until all forces are withdrawn, that would be acceptable. If the election is deferred until the withdrawal of U.S. troops, it should be in the framework we have given, that is to say that all non-South Vietnamese forces should be withdrawn. Including your own.

Second, concerning the question of local elections. Let me be frank with you. Understanding the political process in Vietnam is not the easiest matter for Americans. I put forward an hypothesis and not a condition. I was going to say that if it turns out easier to start with local elections and local sharing of power, we are prepared to envision this possibility. It simply seemed to us it may be easier in some respects, but we don't insist on it.

On the third point, I indicated certain aspects of the apportionment of power which it might be possible to discuss. I did this because when

one speaks about free elections in the abstract, it has a quality of winner-take-all. Therefore, we are willing to discuss precise provisions which would apply whoever wins the elections and how he would exercise this power.

Xuan Thuy: Now, I would like to make a few remarks on your exposé and your views.

First, on what you said about our not saying anything different from at Kleber. I disagree with you in this view.

In the past few sessions, we have been listening to you expound your general views and specific views. The exposé of your views was rather long. I therefore had to listen to your views and I listened to you very carefully. And if some point was unclear I asked you to clarify it. This shows our great attention.

I said I listened to you with great attention because Mr. Special Adviser Kissinger is a University professor, you have been following the Vietnam question for a long time, you have many views on Vietnam problems and you represent President Nixon to negotiate with us. We therefore listen very carefully, as there is some significance in your coming here.

In the military field, previously we demanded the U.S. withdraw rapidly and totally troops from South Vietnam. Madame Nguyen Thi Binh has proposed six months. We support her demand. Today I presented in detail how this withdrawal should be carried out.

You said this proposal of six months is unreasonable and impossible for technical reasons. But in this regard we have high respect for the U.S. technical capacity and means of transport and its desire to enter Vietnam quickly. Therefore your withdrawal should also be quick.

As for political points, we have also said something new. Previously we just proposed a provisional coalition government. Today, we have proposed steps to be taken.

My second remark concerns your remarks. I remarked there are points which remained at their original place, others which made steps backward.

Mr. Kissinger: I always like to receive encouragement. For a second I thought the Minister would say some went forward. I thought we were making progress.

Xuan Thuy: But I must point out weak points before encouraging you.

Mr. Kissinger: I will say that I am never over-confident when dealing with the Minister and Special Adviser. Excuse my interrupting.

Xuan Thuy: The points at the same place are:

- Your continued demand for mutual withdrawal;
- Your insistence on the maintenance of Thieu-Ky-Khiem;
- Your downgrading still of the conference in Paris.

You said that we only agree with those who stand for peace, and discard those who stand for war. This is right—we like peace-lovers. Therefore Thieu-Ky-Khiem must be changed.

And what points make a step backwards?

For instance, this period for withdrawal. It was previously twelve months; it is now sixteen months, and the greater part is left for the end. In the first period it is withdrawal by dribbles.

I just point out these points in hoping your future proposal becomes more positive and progressive than this one.

The third remark is about the deadline. You put forward a deadline of the first of July. We do not oppose this deadline for negotiations. On the contrary. But the success of the negotiations depends on the U.S. If you come here with serious intent, success will come—and the sooner the better. It may be before July 1. If you do not come here with serious intent, then maybe later than the first of July.

Finally, I have to state that there are two ways open to us. First, the peaceful settlement of the problem. Second, the war can be extended.

We prefer the peaceful settlement of the problem, and the sooner the better. Therefore we welcome Special Adviser Kissinger to come here. And therefore we maintain the Paris Conference, although I do not attend after Ambassador Cabot Lodge left, but I stay in Paris.

I have been glad to talk to you at the last few sessions and will be glad to continue to talk with you. I wish to continue to talk with you and wish you to come to agree on big questions and reach agreement.

I know you represent President Nixon and have many views. I do wish we can settle the problem through the talks and therefore I appreciate your coming here.

I don't know about the future, but so far your plan is not leading to a peaceful settlement.

And what you have said about the U.S. having nothing to do concerning Laos and Cambodia, and the U.S. showing good will on these questions, I think just the contrary.

You said four days before your departure for Paris there was an offensive launched in South Vietnam. But hostilities in South Vietnam have been going on—sometimes they are up, sometimes they are down, sometimes they are standing still.

So long as U.S. troops and other forces continue to be in Vietnam, hostilities will go on. And I as well as Special Adviser Le Duc Tho said last time that so long as we do not come to an agreement, then hostilities will go on in South Vietnam.

The last time we have laid stress on events in Laos and Cambodia and you returned to the U.S. A few days later, a coup broke out in the U.S. [*Cambodia*].

Mr. Kissinger: That is next, after I return this time.

Xuan Thuy: . . . in Cambodia and we have come to the conclusion in the statement by our government which said it is precisely the U.S. which wanted to wipe out the peace and neutrality policies of Cambodia, to turn Cambodia into a neo-colony, to use Cambodia to put pressure on the resistance fight of the Vietnamese people.

You also said the U.S. would reduce its air activities in Northern Laos if the other side would stop its activities. It is not a matter of reducing the bombing, it is one of ceasing it.

I must point out that during the nine year resistance war against French colonialism, the French colonialists used the same methods by seizing the government of Emperor Bao Dai, and using the royal governments of Cambodia and Laos to put pressure on the Vietnamese, to use these so-called “legal” governments to gain international standing, and to use these so-called “legal” governments to put pressure on the Vietnamese struggle. But the French were defeated.

Therefore, in conclusion, we should settle the problem. A settlement will be reached the sooner the better—a real settlement.

Now I give word to Le Duc Tho.

Le Duc Tho: Minister Xuan Thuy has expounded our point of view on political and military problems, and expressed our remarks on your remarks, and you have replied.

I would now like to add a few remarks on your views. I would like to speak very frankly and straightforwardly.

First, I would like to speak about the situation in Vietnam, Laos and Cambodia—in the peninsula of Indo-China as a whole, and in what framework we are holding our talks now.

We should determine who has the desire of prolonging and extending the war. Who wants to make military pressure on the other side. And who has good will and serious intent in settling the problem.

In this connection, our views differ very greatly. Because if we don't clarify these views, it will not be clear whether you want peace or war. Because our assessment differs from yours. This is the first question I would like to deal with.

The second point is I would like to make some remarks of mine on military and political questions and Laos and Cambodia.

In the last two sessions, you said you wanted a peaceful settlement. You said you didn't want to make military pressure or negotiate from a position of strength. Whether your statement made us believe what

you said, your practical deeds make us doubt the truth of what you have been saying.

Recent events in Vietnam and particularly in Laos and Cambodia make us think you do not want yet to settle the problem. They make us believe you still want to continue Vietnamization of the war, want to continue to expand the war to Laos and Cambodia.

Let us review events in Laos. For the last few years—2 to 3 years ago—we may say the hostilities were not so great. Hostilities were going on, but a normal level.

But who occupied first the Plain of Jars? The U.S. helped the reactionary forces occupy the Plain of Jars.

Therefore the Lao people had to strike back and reoccupy it. Therefore the consequences are from your actions. Now you have introduced Thai troops and carried out fierce bombing of the Plain of Jars. The quantity of bombs used for such a small area as the Plain of Jars equals the quantity of bombs used against Germany in World War II.

And what is the situation in Cambodia? Although there were hostilities in Laos and Vietnam, the Cambodian people for tens of years have been living in peace, independence, and neutrality. Who has caused the coup d'état to wipe out the neutrality, independence and peace policies of Cambodia? Who has brought to power this reactionary group in Cambodia? It was the U.S. and no one else. We charged you with that. Many people in U.S. political circles, the U.S. press and public opinion, many people said there was the hand of the CIA in this coup d'état.

Your intention is to extend the war to the whole of Indo-China and to use mighty military forces in support of your policy to bring Vietnamization to the success and negotiate from a position of strength.

In Laos, you said you didn't want to use Laos to bring pressure. On Cambodia, you said the U.S. had nothing to do with events. This does not conform with reality.

The Vietnamese have a saying that you can't use a basket to cover a lion or an elephant.

Mr. Kissinger: I like that.

Le Duc Tho: It is quite true.

Your actions are decidedly tantamount to a prolongation and an extension of the war. It seems you consider events in Laos and Cambodia have no relation to the Vietnam problem. But they are parts of your whole strategy. You want to use forces in Laos and Cambodia to make pressure on the resistance war in Vietnam. The events in Laos and the recent coup d'état in Cambodia show clearly your intention of prolonging and extending the war. With such an action, how can you ask us to overcome mistrust, how can you ask us to believe you.

Through this coup d'état in Cambodia, it is clear your intention is to turn Cambodia into a U.S. neo-colony, as Minister Xuan Thuy just pointed out. You wanted to combine the reactionary forces in Cambodia with South Vietnamese and U.S. forces to annihilate the new forces in Cambodia. This to you is President Nixon's policy of having Asians fight Asians.

It is evident now it is your policy to use the military forces to settle the Vietnam problem—as well as Laos and Cambodia, on the basis of a position of strength, a position of power. In our view, it is only an illusion. I must tell you frankly. No militant power can subdue our people and the Lao and Khmer people.

The lessons of the failures of the French colonialists after a nine-year war and of your failures of the last few years have not made you renounce your ambitions.

You think military power can make our people submit. I think you are mistaken. Your defeat in Vietnam—where does it lie? Your defeat mainly lies in your wrong assessment of the political forces of our people in standing up against you. You have not fully foreseen developments. You rely mainly on your mighty military forces.

It is a fact that in South Vietnam our forces consist only of infantry. No planes, no helicopters, no tanks, no high speed machines. What is the cause of our success? It is precisely the union of our people, the political force of our people which helps us enhance our weapons, which are only infantry weapons.

Hence the strength of our whole people in fighting foreign aggression is in the union of our whole people.

Therefore the principal error of yours in Vietnam and Laos is precisely the point I have just made. But you have not drawn from your experience.

You thought you could use a group of military reactionaries to overthrow Norodom Sihanouk and it would be all over. It is too simple thinking. It is precisely your actions there which make the whole people of Cambodia fight against the agents of the U.S. They have responded to the appeal of Prince Sihanouk and the National Front of Cambodia. The Khmer people have stood up with all their strength to defend freedom and neutrality.

This situation has developed rather quickly. You are a researcher, and read a great deal of newspapers. You have seen probably that the Khmer people have united themselves in a very vigorous way. It is a strong blow against your design and your agents. This is the strength of the whole people.

It is a sign of your failure and your agents' failure. It is a sign of your inevitable failure and that of your agents.

While you are suffering defeat in Laos and Vietnam, how can you fight in Cambodia?

You have sowed the wind, and you must reap the whirlwind.

You are sowing national hatred between Vietnam and Cambodia. But the three peoples of Indo-China—the Vietnamese, Lao and Khmer people—have had traditional unity in the fight against colonialism. This cannot be broken by you. Now, faced with the extension of the war to Cambodia by the U.S., the three peoples will continue to fight to have victory, no matter how great the sacrifices may be.

Therefore, whether a peaceful settlement for Vietnam, Laos and Cambodia can be reached does not depend on us only. It depends on you precisely. Just as Minister Xuan Thuy said, when you withdrew Ambassador Cabot Lodge and downgraded the talks, Minister Xuan Thuy stayed here. I am here too, we have talks with you. We wanted to go into substance to settle the problem. This is evidence of our good will and serious intent. But in the meantime, you caused the coup d'état in Cambodia. It shows you don't want to settle the problem, you want to extend the conflict. You thought you could force us to submit. But you were mistaken. If you want to talk with weapons and guns, we must reply with weapons and guns. With all our determination and courage.

The fighting in Laos and the last few days in South Vietnam are only legitimate self-defense against your prolongation of the war and extension of the war.

You said that for the last four days, when you were coming to talk, we launched attacks. But while you are extending and prolonging the war, how can we refrain from striking back in self-defense? If you continue fighting, we will continue the struggle.

When you stop making military pressure, when you give up your intention of negotiating from a position of strength, when you are prepared for real negotiations, then we are prepared to really negotiate with you and to really settle the Vietnam problem. I think the door is wide open for a peaceful settlement.

Since President Nixon came to power, he has missed many opportunities to settle the problem peacefully. He doesn't want to; he still nurtures great ambitions. But if he persists in doing so, he will sink deeper into the quagmire.

I hope that being a professor who has made a long study of international problems, you will help to settle the problem. I hope you will maintain a clear-sighted view, and look into the real problem, so we can achieve a settlement. Then peace will be restored in the Indo-China peninsula. This is a fact which I would like to put forward frankly to you.

Only by putting facts straight forward can one clearly see the serious intent of the other side for a settlement. If one side wants peace, and the other war, then no settlement can be reached.

Minister Xuan Thuy has said, and I have said many times, that we do want peace. But with the situation you have created in Indo-China, how can a peaceful settlement be achieved? The war has not been limited—it was extended.

Now I would like to make some remarks on what you said about Laos and Cambodia.

It is true that you have come 10,000 miles to the talks. And we persevere, we stay here while you are downgrading the Paris Conference.

But we hope you will make some new proposals. If I am not mistaken, you have not moved an inch in comparison with Kleber, mainly speaking. Although you have made some specific points, they are stepping backwards.

Militarily speaking, you are always speaking on the basis of mutual withdrawal. Concerning political questions, you always speak of a mixed electoral commission, which was put forward by the Thieu Administration.

In these conditions, how can we put forward something new? Although these proposals are called by you going into substance, you are always prolonging the war.

Now I wish to clarify a few points in our position.

Today, you have spoken on political problems. You said that the political process should reflect the relationship between political forces in South Vietnam and the popular will in South Vietnam. But the conception of the relationship of political forces in South Vietnam and of the aspiration of the people of South Vietnam differs from our point of view and yours. We consider a settlement must be based on reality and the relation of political forces in South Vietnam. But what is the relationship of forces in South Vietnam?

If the Thieu-Ky-Khiem Administration can survive until today, it is thanks to your weapons. They have no force at all. The Thieu-Ky-Khiem Administration tried to assemble four or five groups to unite with them. But these groups refused. Thieu-Ky-Khiem are isolated.

The great majority of the South Vietnamese people want peace, independence, and neutrality. Many of them are not communists, not members of the NLF.

So what is our conception of this relationship of political forces? If you speak of the political forces of Thieu-Ky-Khiem, you can count them on your fingertips. If you speak of the aspirations of the South Vietnamese people, they want peace, independence, and neutrality. This is a clear expression of their aspirations.

As to the aspirations of a handful of people in South Vietnam, military agents, people like Thieu, Ky, Khiem—they want war.

I agree with your words that a settlement must be based on the relationship of political forces and on the aspirations of the people. But we have a different understanding of the words in practice.

We want a lasting settlement, national concord. We do not want to carry out reprisals against anyone after the war.

But national concord cannot be achieved with Thieu-Ky-Khiem because they are frenziedly opposed to the PRG and NLF and opposed to all those who are for peace and neutrality. How can national concord be carried out with these people?

If you continue to maintain Thieu-Ky-Khiem, then no settlement can be achieved and no national concord is possible. Because they do not want peace. If you maintain Thieu-Ky-Khiem, it shows that you want to maintain them to continue the war.

We do want to realize national concord. We want to realize a broad union of political forces. But the forces must all agree on peace, independence, and neutrality. How can it be with those who are for war? That is the reason why we have put forward the three steps.

Therefore when Thieu-Ky-Khiem are changed, then the Provisional Coalition Government reflecting national concord provisionally, including all political forces, will be formed. Then we come to national elections to form a definitive coalition government. General elections must really be free. There should be no military pressures from any side.

Therefore our proposals are realistic, they reflect reality, they conform to the aspirations of the South Vietnamese people. Only such methods will reflect correctly the political relationship in South Vietnam and register it in a political process.

Accepting such a settlement will be accepting really the aspirations of the South Vietnamese people.

This is what I have to say on your proposals on political problems.

May I speak now a few additional remarks on Laos and Cambodia. We support the 5 points put forward by the Pathet Lao to find a peaceful settlement of the Laotian problem on the basis of the 1962 Geneva Agreements. But if you refuse to settle the Laotian problem in this direction, then the war will go on in Laos.

Concerning Cambodia, we have many times stated our respect for the agreement of 1954 and the independence and territorial integrity of Cambodia. We do not recognize the Lon Nol-Matak government. We support the 5 points of Norodom Sihanouk. We are convinced that so long as the Lon Nol-Matak government remains in Cambodia, then the Cambodian question cannot be settled. This policy of yours will fail. Our position on Laos and Cambodia is clear.

Therefore, if we now review the few sessions we have had, our points of view are still very different. I hope you will look into the real situation in Laos and really negotiate with sincerity not only on Vietnam but also on the Laos and Cambodia situations.

If you do not seriously negotiate with good will, then the situation will continue to be serious, and the disadvantage will be with your side.

And being a professor, philosopher, and statesman, I think Mr. Special Adviser Kissinger should have a clear view of this reality.

I speak my mind very frankly, I say what I am thinking. You said you wonder whether what we said is for the record. I speak for the record and what I think. Last time you said you wondered whether we speak for psychological effect or say what we are thinking. I am not used to psychological warfare, as you have been doing. We are Marxists, we speak realistically and straight into a problem.

Naturally, you disagree with some of what I have said. I ask you to think over what I have said, this is the only way to settle.

As Xuan Thuy said, we are prepared to settle if you are.

Mr. Kissinger: I can now recommend Mr. Special Adviser Le Duc Tho for the faculty at Harvard. He spoke for 55 minutes, exactly.

Le Duc Tho: What is important is the content.

Mr. Kissinger: I will of course study the remarks of Minister Xuan Thuy and Special Adviser Le Duc Tho with great care. At an appropriate moment, I will give a detailed reply.

I would just like to make a few observations now, and then ask a question about where we go from here.

At the end of my presentation, I listed six new proposals and suggestions we have made. If I understood Minister Xuan Thuy, he listed as a new proposal he made the order of the withdrawal of our troops under Madame Nguyen Thi Binh's schedule. As I have had occasion to point out to Minister Xuan Thuy before, a new proposal which interests us is what you will do, not what we will do. Spelling out the modalities of an unreasonable demand we have already rejected is not a negotiating proposal.

I therefore still await with interest some proposal on what you are willing to do when we do something.

As for Special Adviser Le Duc Tho's remarks, let me make some relatively brief remarks.

The Special Adviser said we are carrying out a policy of making Asians fight Asians as if we wanted Asians to fight Asians. As I have had occasion to point out to the Special Adviser last time, we don't want anyone to fight anyone in Southeast Asia. I don't think we should return to the Nixon Doctrine in this context if there is another meeting.

As to Laos, there is one reasonable, simple test to see who is expanding the war; to see who is advancing.

Having participated in all discussions in our activities, I would like the Special Adviser to report to his colleagues in Hanoi that they are completely mistaken about our intention and actions in Laos.

I agree with him it would be useful if we can agree on an analysis of the situation, because if we can't, then we cannot make much progress. We are prepared to discuss immediately a ceasefire in Northern Laos. This would put an end to military activities once and for all.

As for Cambodia, I despair of convincing the Special Adviser that we had nothing to do with what happened in Phnom Penh, although I am flattered of the high opinion he has of our intelligence services. If they knew I was here, I would tell them of this high opinion.

Again, there is a simple test. Who has troops in Cambodia? Not the U.S. I am impressed again with the linguistic ability of the people of the Indo-Chinese peninsula. We discovered that the Pathet Lao speak Vietnamese, and now we find the same phenomenon in Cambodia.

We have shown great resistance vis-à-vis the bases you maintain in Cambodia and which you use in attacking our forces in Vietnam.

I do not want to discuss the history of Cambodia except to reaffirm that we support the neutrality of Cambodia and have no intention or interest in using Cambodia to put military pressure on Vietnam.

We are prepared to discuss immediately concrete and specific measures to guarantee the neutrality of Cambodia and to make absolutely certain it does not become a pawn in any international conflict. We are willing to do this bilaterally with you or in an international framework.

What is not admissible is for you to define what government should be in power and for you to use Vietnamese troops to change the government of Cambodia.

I repeat: we shall not be the ones to expand the war to Cambodia; we shall not be the ones to threaten the neutrality of Cambodia; we shall not threaten you from Cambodia; and we shall not extend our activities in Cambodia.

We shall be prepared to entertain reasonable propositions to guarantee that Laos and Cambodia—especially Cambodia, as it is a new problem—remain neutral.

What events in Cambodia prove to me is that the war in Vietnam sets in train events which cannot be controlled by any of the participants. The Special Adviser said that he did not know whether President Nixon wanted to end the war or extend it. You of course will make your own judgments. I can assure you—and no one is in a better position to know this than I—that he sincerely wants to end the war and will go to considerable lengths to find an honorable end to the war.

Now a word about the political problem. I will not debate with the Special Adviser his assessment of political conditions in South Vietnam. He and I disagree.

If he is right, I do not understand why he does not accept our proposals. We have said we will not intervene in political changes that occur in Vietnam as a result of free political processes.

The Special Adviser would like to exclude Messrs. Thieu, Ky, and Khiem before the political process even begins. We have indicated publicly, and I now reaffirm to you all in solemnity privately, that we are ready to respect the results of the political process even if it leads to the rejection of the political forces to whom you object.

Therefore the only thing we should need to discuss is how to arrive at a free political process not subject to pressure.

I have also listened with great attention to what Minister Xuan Thuy said about our withdrawal and the seemingly heavy emphasis on departures at the end. I do not follow the tactics of your side which professes never to be satisfied with any proposal, and the best we can do is to get back to the point of departure. There is some merit in the argument by Minister Xuan Thuy and I shall have to discuss with our technical people what adjustments are possible. I will use my influence in the direction of more emphasis on the first few months.

But the two key points that remain to us and where I do not see where we can go, are:

—First, with whom you propose to discuss the withdrawal of your forces and how to establish a relationship between the two processes; and

—Second, how we proceed to define a political process which does not prejudice the outcome in advance. And I repeat, we do not insist on a particular outcome for ourselves.

We have two choices. We can proceed and hide behind the complexities of the problem. Both sides are sufficiently intelligent, and particularly your side so well prepared in dialectics, that we can keep this up forever. It would be an academic exercise leading nowhere, and it would have to be done without my participation.

Or we can attempt, in the spirit of Minister Xuan Thuy's remarks—and I was moved by his final remarks—to approach again these two questions in a new spirit to arrive at a solution, and to put an end to the war during this year.

Our two countries are not natural enemies. There is nothing either can want from the other.

The President sincerely wants peace. History will not judge us by how well we conducted our debates but only from the facts we have created.

I would therefore like to ask whether you see any point in continuing and, if so, how.

Xuan Thuy: You are finished?

Mr. Kissinger: Yes.

Xuan Thuy: I have said that we prefer to settle the problem peacefully. War is something reluctant to us. If the U.S. prolongs, extends, and continues the war, then the Vietnamese and other Indo-Chinese people will have to continue the struggle.

I may frankly tell you that all your explanations concerning Laos and Cambodia have not convinced us you are telling the truth.

We are prepared to negotiate with you. As to your proposal, we have remarked that there is nothing new. Indeed, they showed some setbacks.

Therefore, we shall continue the negotiations. We should think over each other's views, and we shall put forward new ideas.

Le Duc Tho: May I make a few remarks on what was said.

Mr. Kissinger: Please.

Le Duc Tho: It is natural that each has his own assessment of the situation. But my assessment, I can say, is not prompted by a subjective assessment of wishful thinking. Objective events lead to our assessment.

I think if Mr. Nixon really does not want to extend the war, if he really wants a settlement, there should be practical acts to show his intentions. I expressed my assessment on the basis of recent events.

As you said, the U.S. does not want to see Asians fighting Asians. But what is the fact? Does not Vietnamization intend to see Vietnamese fight Vietnamese. Was not the introduction of Thai troops to Laos, Asians fighting Asians? Now civil war may break out in Cambodia—what is this? You stand behind the scenes to support the reactionary forces. Therefore I say that President Nixon's policy is Asians fighting Asians. You say you would sometime like to discuss the Nixon Doctrine. I am prepared to do so. But not now, at an appropriate time.

You say there are linguistic attainments in Laos and Cambodia. But I must say we are an oppressed people who have suffered aggression. We have no intention of carrying out aggression against any other country. What is the origin of the situation in Laos and Cambodia? Not we.

Mr. Kissinger: Actually, yes.

Le Duc Tho: It is U.S. aggression. You say there is North Vietnamese aggression against South Vietnam. Is it reasonable to say that we aggress against our people? It is U.S. aggression against South Vietnam.

U.S. aggression is the deep root of the problem in Cambodia. You say we are advancing in Laos. But the present circumstances were

created by the U.S. there too. It is obvious, as I explained, about the Plain of Jars situation.

We have stated our standpoint on Laos. The 5 points by Prince Souphanouvong and the Pathet Lao are now awaiting answer by the other side. We understand that the two sides sit down and discuss it in Vientiane; this is our desire.

I would not want to debate Cambodia as the problem is obvious. Our concepts of Cambodian neutrality differ. These are problems to be settled. How to settle the Cambodian problem? We have stated our stand.

You have stated some views on Vietnam. May I make some comments. You say we have put forward the same proposals as before, which you have rejected. But your proposals are not different from your previous proposals which we have rejected.

It is not true that we force you or oblige you to do something before we. These are negotiations. If you put forward something reasonable and logical, we will put forward something reasonable and logical.

We cannot accept your military and political proposals.

Your political proposal is not acceptable because we differ in our political assessments. We both agree there must be free general elections in South Vietnam. But in this political process, there should be a provisional coalition government. The reasons for this Minister Xuan Thuy and I have said. Because if at the end of the war, there are two governments existing, they cannot avoid a resumption of hostilities at some time. Therefore, we proposed a provisional coalition government to realize national concord and to prepare for free elections. And only by the formation of a provisional coalition government can peace be achieved.

These are my remarks on the political problem and a few additional remarks.

As to negotiations here, in a word, briefly, each side must make an effort to make progress. We are prepared to negotiate with you, as Minister Xuan Thuy said. So far, our positions are far apart. This is the difficulty.

Mr. Kissinger: What do you propose?

Le Duc Tho: We think your proposals need some further study from our side. But under present circumstances, in our assessment, it is difficult to settle the matter.

Because the intensification and extension of the war, as I have analyzed, does not show your good will. And your proposals do not move an inch. This is our analysis. So what do we do now?

Mr. Kissinger: Well, I have outlined six important respects in which we believe we have made important proposals in this channel. We

believe, for example, that the electoral commission which you dismiss too easily could create an area of negotiation which could bring about a degree of interim control, at least over electoral processes about which you are concerned.

If you do not believe that further study of our proposals and further reflection will permit you to continue these discussions, then perhaps we should have an interruption in the negotiations. We know how to get in touch.

On the other hand, if you are prepared to study these proposals and meet in an effort to bring our positions closer together, I am prepared to make one more effort.

Xuan Thuy: We think if you believe your proposal should stand now, even if we make new proposals, then we should interrupt.

If you think your proposal is just an opening proposal put forward for bargaining, and we shall make further study, and you believe you need further study of our proposal, then we could each study and meet again.

Mr. Kissinger: All right. I propose we attempt one more meeting.

Le Duc Tho: We are prepared to meet once again. But I think that if you feel at the next meeting your proposal should stay where it is now and there is nothing new, then we should stop here. If you have new proposals, we shall meet again.

Mr. Kissinger: I have explained to Minister Xuan Thuy and Special Adviser Le Duc Tho that it is inadmissible that we always make new proposals, while all you do is tell us the sequence in which we should withdraw our troops. If this is what you believe, the war will run its course. We have a different assessment. For you have your evaluation and we have ours.

There must be reciprocity in this channel. If you think this channel is a place for us to accept your proposals, then there is no point in continuing. I am prepared to look at our position again. I don't know the results. But there is no hope of success in these meetings unless you review your own position and unless we have an assurance that for the first time in these meetings we will have a real negotiation.

Le Duc Tho: Because you have requested to meet us, therefore we want to see something new in your position. It is not something we demand from you.

Therefore we would like to see something new in your position. Only in this way can we settle the problem. Otherside [*otherwise?*] we will be in contact later to settle the matter.

Xuan Thuy: In a word, you have not accepted our position today. We have not accepted your position. In addition to expounding these positions, each expounded views. We should study them, and whenever either side wishes it can get in contact with the other.

Mr. Kissinger: This is the right way to proceed.

Le Duc Tho: We stay in relations.

(The meeting ended at 2:30 p.m.)

6. Memorandum of Conversation¹

Paris, September 7, 1970, 9:30 a.m.–2:30 p.m.

PARTICIPANTS

Xuan Thuy, Chief of North Vietnamese Delegation

Mai Van Bo, North Vietnamese Delegate General in Paris

Phan Hien, Member of North Vietnamese Delegation

North Vietnamese Interpreter

One other North Vietnamese Official

Henry A. Kissinger, Assistant to the President for National Security Affairs

Major General Vernon Walters, Defense Attaché

W. Richard Smyser, NSC Staff

Winston Lord, NSC Staff

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 853, For the President's File—Lord, Vietnam Negotiations, Sensitive, Camp David Vol. V. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at the North Vietnamese Residence at 11 Rue Darthé.

In reporting to the President later in the day, Kissinger wrote: "As you know I had expected little but vituperation. Instead, the atmosphere was the friendliest of any of these sessions—indeed of any session with the Vietnamese in the whole history of the negotiations. This was particularly striking since it was the first meeting since Cambodia." He continued: "Not only did they change their tone, but they also indicated a readiness to move on substance." (*Foreign Relations, 1969–1976*, vol. VII, Vietnam, July 1970–January 1972, Document 35)

At this meeting, according to Kissinger, the United States made an important change in its negotiating position. "The most significant concession," he later wrote, "was to make clear that the American withdrawal after the war would be complete; no residual forces, bases, or advisers would be left behind." He also modified the schedule of U.S. troop withdrawals from 16 months to 12, calling this a cosmetic change since the United States had elsewhere committed to the 12-month timeframe. Although Kissinger made his points within the context of mutual withdrawal he did not emphasize this aspect of the U.S. position. (Kissinger, *White House Years*, p. 976)

The North Vietnamese, however, considered the U.S. position, in Xuan Thuy's report to the Politburo, to be "actually a trap." He continued: "Now the US was aware that a great part of our main forces had been pulled out [of South Vietnam] and the guerrilla forces were weak. That is why Kissinger posed the question of troop withdrawal without clearly demanding the withdrawal of our forces. On the contrary he stressed the settlement of political issues." (Luu and Nguyen, *Le Duc Tho-Kissinger Negotiations in Paris*, p. 151)

There was some opening exchange of pleasantries, during which Xuan Thuy introduced Mr. Phan Hien, a member of the North Vietnamese delegation in Paris.

Mr. Kissinger: And how is Mr. Special Adviser Le Duc Tho?

Xuan Thuy: Thank you for asking. He is alright. But he has a great deal of work to do in Hanoi. He asked me to convey his regards to you.

Mr. Kissinger: I appreciate that. I hope you will convey my warm personal regards. May I present Mr. Winston Lord, one of my close collaborators on my personal staff.

I will not debate you today over who should speak first.

Xuan Thuy: Of course, since Mr. Special Adviser said he has a new approach to expound, I am prepared to listen.

Mr. Kissinger: As I pointed out in my message, I believe we should *both* look for new approaches. But I shall say something, and then I look forward to hearing what the Minister has to say.

One practical matter for the information of the Minister. In France, the only organization which knows of these meetings is the office of the Presidency, not the Foreign Ministry. You may want to keep this in mind.

On our delegation, only Ambassador Bruce knows about these meetings, and nobody else.

No other U.S. diplomat knows.

We do not talk about it to any of your allies, though we are often asked. I say this only for your information, without requesting anything.

Lastly, I would like to tell you that Ambassador Bruce has our full confidence and is fully empowered to negotiate with you on all issues. He was selected because we believe he is the ablest and most experienced diplomat now available in the United States.

We regard the appointment of Ambassador Bruce as a significant step, which we took after repeated urging from you and your friends. At our meeting on February 21, Special Adviser Le Duc Tho said that a new American negotiator would be taken as a sign of good will, and such a step would contribute to serious negotiations. We expect that this will be the case.

The President has also asked me to emphasize again his desire to end this conflict as soon as possible through a negotiated settlement.

The two sides have fought for many years. As I have said on many occasions, we recognize the difficulties in ending your long and heroic struggle. The President has made it clear that we seek a peace which is just to both sides, which humiliates neither. We approach you with good will and a serious attitude. We hope that you will approach these discussions in the same spirit.

This is the fifth time that I have flown across the Atlantic to meet with you. Clearly the President would not send his Special Assistant on these missions to either hear or pronounce tired slogans. I am here not to win a dialectical debate but to work with you to forge an early peace. I would not be here if the President did not want a forum which provided us with a maximum flexibility to treat the problems of war.

Let me state very frankly that very soon you will have to make certain basic decisions about the way you wish to end this conflict. We continue to want to end the war swiftly through negotiations. But since we have not been able to engage you in serious negotiations, we have been forced to follow the alternative route of gradual withdrawals keyed to the strengthening of South Vietnamese forces.

We are prepared to continue this route, but we prefer a negotiated settlement. I ask you once again to take the path of negotiation with us. It is consistent with the self-respect and the objectives of both sides. We recognize the depth of your suspicions but they will not fade as time goes on and the struggle persists. This is the nature of war.

We are nearing the time when the chances for a negotiated settlement will pass. After a certain point you will have in effect committed yourselves to a test of arms. I do not want to predict how this test against a strengthened South Vietnam, supported by us, will end nor how long it will last. But you must recognize that it will make any settlement with the United States increasingly difficult.

Let us therefore move toward a negotiated settlement while there is still time. In our last meeting, I explained that time is not necessarily on your side. This is even more true now.

We should negotiate before time runs out and we are irrevocably committed to letting events run their course.

In previous sessions I proposed setting a target date for completing these negotiations, but you have not accepted this proposal. I still believe such a target date would give our talks concreteness and urgency.

I would now like to make a procedural point and then go on to a discussion of substantive problems.

On the procedural point, we agreed previously that we could have three forums. There would be these meetings, in which I would participate.

There would be private meetings, at which henceforth Ambassador Bruce will represent us. And there will be the meetings at the Hotel Majestic, which will test the endurance of all parties.

As for the meetings I attend, we believe they should deal with the fundamental principles and the main outlines of a settlement. They should take place only when significant progress is possible and when

flexibility is required. The principles agreed to in the meetings between the Minister and myself should be translated into specific procedures and detailed agreements in the other forums.

The President has asked me to say that he cannot justify my attendance to hear a repetition of arguments made in other forums. This forum affords both sides the maximum possibility for flexibility because its participation is restricted and because the level of its participants is high. If it is not used for that end, it serves no purpose.

Let me now turn to the problems which confront us at this juncture.

Let me state first, in all frankness, the obstacles presented by your side, as they appear to us.

The first problem is your insistence on preconditions.

These prejudice the outcome of a settlement before negotiations even begin. There is no point in my being here for such an exercise.

Secondly, on several occasions in the past we have made moves that you told us would produce serious negotiations, and in one of which I was personally involved, as the Delegate General will remember. We stopped the bombing; we began withdrawing our forces; we agreed to meet with the National Liberation Front; we agreed in principle to the withdrawal of all our forces from Vietnam; we have withdrawn forces, close to 200,000, over the last year and a half. Last year, in one of the enigmatic statements in which the Minister specializes, he indicated on September 2 that a withdrawal of 100,000 Americans would be significant. We have withdrawn nearly double that number and there has been no response.

I am here to tell you that we will be generous and flexible once there is serious progress in our negotiations. But I must tell you equally seriously that we have no intention of once again paying a price merely to open negotiations.

Most importantly, you must understand that your two preconditions are mutually inconsistent. You insist that we withdraw unilaterally and completely *and* that we remove the leaders of the present government of South Vietnam. What possible incentive would we have to do *both* of these things? If we withdraw unconditionally, and if you want to change the government of South Vietnam, that would be your problem, not ours. If you want to discuss the political problem with us, you have to give up your preconditions. We, in turn, are prepared to discuss political and military issues together with good will.

We have also noticed in your negotiating approach the tendency to step up military pressure to accompany negotiations. At our last meeting, I told you that such actions were bound to have unfortunate consequences. I repeat that today and I must caution you against increases in military pressures throughout Indochina. At the same time,

I want to remind you of our note of July 1, 1970, in which we agreed to forego military pressure as a means of settling the war. We mean to carry this out very seriously.

Now let me turn to substance. In our last series of meetings we agreed to deal with political and military issues side by side. We gave you a precise withdrawal schedule and we advanced some principles for a political settlement.

You said at the last meeting that you considered our withdrawal schedule which we presented to you on March 16, as a step backward.

I recognize that Minister Xuan Thuy is notoriously difficult to please, but nevertheless we looked at the schedule again in the light of his comments. We have looked at the schedule again and I want now to present to you the following proposal covering a period of 12 months instead of a period of 16 months. I hope the Minister takes me as seriously as I take him. I am presenting you this new schedule as proof of our good will and of our intention to find a means of settling the conflict.

Under a 12-month schedule, we would withdraw our forces at the following rate: Should I give this?

Xuan Thuy: Please.

Mr. Kissinger:	The First Month:	5,000
	Second Month:	10,000
	Third Month:	10,000
	Fourth Month:	45,000
	Fifth Month:	35,000
	Sixth Month:	44,000
	Seventh Month:	60,000
	Eighth Month:	60,000
	Ninth Month:	60,000
	Tenth Month:	20,000
	Eleventh Month:	20,000
	Twelfth Month:	15,000

This schedule is based on the level of our troop strength that we will reach on October 15. If we were to negotiate a settlement before then, or later, appropriate adjustments would be made. The exact details of the schedule can be negotiated.

As I told you before, we would arrange for roughly the same proportion of Allied forces to be withdrawn as our own. You will notice that we have moved the heaviest withdrawals into the period starting with the fourth month, taking account of a point the Minister made at our last session.

There are two fundamental points: first, we have accepted the principle of total withdrawal; second, we have presented a schedule

for total withdrawal. We believe that our attitude, if reciprocated, can lead to a rapid end of the conflict.

Let me now turn to the political questions. I talked at some length on these matters at our last meeting and elaborated on some of our proposals.

We have made it clear both privately and publicly that we are ready to discuss a political settlement that could meet any reasonable objective. For example, on April 20, the President publicly defined three basic principles that govern our view of a fair political settlement and which I had already described in our political discussions here.

—First, our overriding objective is a political solution that reflects the will of the South Vietnamese people and allows them to determine their future without outside interference.

—Second, a fair political solution should reflect the existing relationship of political forces.

—Third, we will abide by the outcome of the political process which we have agreed upon.

The essential task is to find a political process that meets the requirements of reflecting the existing political realities in South Vietnam.

What results from a political process can be different from what exists when that process is established. We have no intention of interfering with the political evolution produced by the process agreed upon here.

As I said at our last meeting, we fully recognize that it is very difficult to work out a political process that is fair to everyone.

I also pointed out that the sharing of political power is not the most obvious conclusion that one draws from a study of Leninism nor for that matter from Vietnamese history. We recognize the difficulty of the task. But, if there is to be any purpose to meeting, we must make progress on this issue as well as on the military issues.

Having said this, it is important that we understand fully the limits of one another's positions. Our flexibility is clear. However, the one condition we cannot agree with is the replacement of the leaders of the present South Vietnamese Government.

We believe that our principles for a political settlement provide the framework for a negotiated end to this conflict. If you adopt a positive attitude toward them, you will find us willing to search in good faith and with great flexibility to find a political process that will meet your essential concerns.

I recognize the depth of your suspicions. But I sometimes wonder whether the same qualities which make you fight with so much courage, dedication, and stubbornness, may not be the same ones which make negotiations difficult.

If we had agreed last year, there would now no longer be American troops in South Vietnam.

If you could accept the principles which I have advanced here as being expressed in good faith, you would find that we would move rapidly toward a negotiated settlement which would be fair to you also.

In this small group, there is no point in vilifying each other. We are empowered by our governments to go directly to the heart of these problems. We have an obligation to our peoples to do so. So let us set up a work schedule for an early end of the conflict.

Let me conclude by reiterating my pleasure at meeting with you again and by saying that I hope our efforts will be crowned with early success.

In that case, I hope the Minister and the Delegate General, and the absent Special Adviser, will remember that they have promised to visit me in the United States when this is finished. They can address my seminar at Harvard.

Xuan Thuy: But I think not about Marxism or Leninism.

Mr. Kissinger: Yes; there is a probability that you will be greeted there with greater enthusiasm than I.

Xuan Thuy: You have finished? Before we have a little break, I would like to ask a few questions for clarification.

Mr. Kissinger: I see that absence has not diminished the Minister's tenacity.

Xuan Thuy: Regarding the military problems, Mr. Special Adviser has spoken with some concreteness.

But regarding the political problems, Mr. Special Adviser only repeated the three principles put forward by President Nixon. May I ask you then, what is new in this political proposal? It is not yet clear to me.

Because what you mean by "existing relationship of political forces" is not clear. What do you mean by that?

You said also that the political process should meet the requirement of reflecting this relationship. What do you mean by that principle? And what do you mean by political process? May I ask you to explain your views?

Mr. Kissinger: Could the Minister adopt a principle I have learned from him? Please ask all questions at once and I will answer them at once.

Xuan Thuy: So there are two questions.

Mr. Kissinger: Are these the only questions?

Xuan Thuy: There are two questions in connection with substance, but if your answers enlighten me, I will have no more questions. If the answers are not clear then I may have more.

Mr. Kissinger: The Minister would have a great career as a professor. And I have many colleagues who wish him that.

Xuan Thuy: If I adopt this career as professor I wouldn't be equal to you, because you are a veteran in this matter.

Mr. Kissinger: Let me answer your questions:

As I pointed out at the last meeting, Mr. Minister, in discussing a political process the matter is different from a military process. In the military process, the decisions remain under our control until they are carried out. In the political process, the mere fact of discussion creates a new reality.

I have told the Minister that we could not agree to the replacement of the existing government as a precondition to negotiations.

I have also pointed out that the political process should reflect existing realities. The NLF is clearly an existing reality. If we agree to move toward a political settlement, keeping this in mind, and particularly if we are working within a fixed time limit, we would do our very best to take this into account.

Let me remind you of another principle I established at a previous meeting. You seem to have an overwhelming fear that you will be tricked by us, as you think you were in 1954.

I have too much respect for your intelligence to believe that it could be done. But even if it were possible, we would not do it. Not necessarily out of goodwill, but out of self-interest. If a settlement is to last you must want to keep it. If we keep to our withdrawal schedule, you will be much closer to South Vietnam than we. And history teaches that you will fight when you believe that an accord has been violated.

So, greater precision will have to await an agreement in principle on what we are trying to do.

Xuan Thuy: Have you finished?

Mr. Kissinger: Yes.

Xuan Thuy: But I must tell Mr. Special Adviser and at the same time professor that your explanation about the political process is not clear yet. Could you give further explanation about it?

Mr. Kissinger: In a general way.

What we should agree to do is to accept all the existing political forces in South Vietnam as existing realities. We will not tell you who the members of the PRG should be. You should not tell us who the members of the Saigon Government should be.

We should then attempt to set up a political process which gives a possibility for each side to achieve whatever political support it can muster, but which does not guarantee in advance that either side will win. And we should both agree to respect the outcome.

One reason it is not clear is because it is a very difficult problem.

Xuan Thuy: Have you finished?

Mr. Kissinger: (Nods)

Xuan Thuy: Let us take as granted that I have that uncertainty now, and I propose that we should break a little moment.

There was a break of about twenty-five minutes, during which there was some initial exchange of pleasantries between several members of the group. After that, Xuan Thuy retired with Phan Hien to work on his text. Mai Van Bo remained to chat with Dr. Kissinger.

Bo made the following principal points: that Americans do not understand Vietnamese; that the Vietnamese want complete freedom, without foreign interference; that it was important to get to the heart of the political problem; that the elections held in South Vietnam were not a true expression of the popular will; that he recognized that the problem was very difficult to resolve. He was very cordial throughout.

Dr. Kissinger made the following points: that Bo was his oldest friend here (at which Bo smiled); that we recognized that elections were not the traditional way of settling political issues in Vietnam; that the United States and Vietnam were not historical enemies; that in 50 years, somebody reading the history of this period would wonder how the war could have developed.

At the end of the break light refreshments were served in a social setting, different from earlier meetings, before resuming the session.

Mr. Kissinger: May I compliment your interpreter who is always patient and capable.

Xuan Thuy: Mr. Special Adviser has said he was glad to meet us again and he inquired after Mr. Le Duc Tho. I would also like to express our gladness at meeting you again and thank you for your inquiry about Le Duc Tho.

After listening to the presentation by the Special Adviser of the views of the U.S. Government, I would like to express the following views:

Regarding the procedures and the reasons, you have spoken at great length. But, on substance, you have spoken briefly. Therefore, I shall also speak at length in the first part, and briefly in the second. Because in the first part, you are very abundant in ideas.

Our people, the Vietnamese people, want nothing from anyone but independence and peace and friendship with all other people in the world. When invaded by foreign aggression, the Vietnamese people, both in North and South Vietnam, will fight against foreign aggression.

The whole world knows that Vietnam is a very small country in Southeast Asia. But the Vietnamese people have been fighting for

independence and democracy, no matter how great the enemy. Nobody can threaten us. We want peace, not violence or force. We have been compelled to use force to defend our fatherland and our right to live. We have been compelled to do so.

Mr. Special Adviser said he has come here for negotiations, but we want to use force to make pressure in the negotiations. This is the reverse of what we understand. It is with the desire for a peaceful settlement that we come here. That is why we have continued to participate in these negotiations for over two years now.

But I must reiterate what I told Mr. Bruce at the last session. It is President Nixon who has used force to make pressure in negotiations. The Vietnamization policy is aimed at continuing and prolonging the war, refusing to withdraw U.S. troops and maintaining the Saigon Administration. President Nixon stated that the U.S. Government must negotiate from a position of strength, in order to make pressure on us in the negotiations.

The U.S. has intensified the war, the activities in the air, and has launched a great number of sweep operations, and extended the war to Laos and Cambodia. The statement by President Nixon that the U.S. must negotiate from a position of strength is known to everyone.

Mr. Kissinger: Except me.

Xuan Thuy: Yes, it is in one of his speeches.

Mr. Kissinger: I'll let you finish.

Xuan Thuy: The dispatch of U.S. troops into Cambodia is obvious. You can't say we are making pressure on you. It is the U.S. which makes pressure on us. The U.S. thought it could intimidate the Vietnamese people by extending the war to Laos and Cambodia. As a result, the U.S. has sunk deeper and has met with more difficulties, and it will be difficult for the U.S. to get out of the war now. Maybe the evaluations differ on your side. You may think that by your operations in Cambodia you have gained an advantage. As for us, we understand that the more the U.S. extends the war, the more difficulties the U.S. meets with.

As for your statement that time is not on our side, it may be different. We think time is on our side and not on the U.S. side.

But there is no need to debate whose side time is on.

I want to stress that so long as the Vietnamese people have not achieved genuine peace, genuine independence, and genuine democracy, they have to fight as long as necessary. No matter how long or how large the war conducted by the U.S.

This does not mean we do not want a peaceful settlement. We do want a peaceful settlement, the sooner the better. But if the U.S. prolongs and extends the war we have to cope with it.

You are right in saying that if we had agreed last year, the situation could have been better now. But how can we accept the conditions put forward by the U.S.?

As to the appointment of Ambassador Bruce to the Paris talks, Mr. Special Adviser said it was at our demand and other persons' demand. I remember that once I criticized the call-back of the U.S. representative, and I criticized the downgrading of the conference by the U.S., making the deadlocked conference fall into a serious impasse.

I told you then, and so did Mr. Le Duc Tho, that we remained in Paris to meet with Mr. Special Adviser once a week or every two weeks.

Mr. Kissinger: You are trying to ruin my social life.

Xuan Thuy: Without attending a session at the Majestic.

Mr. Kissinger: We appreciated that.

Xuan Thuy: And when you proposed to meet us again, we had to say that we had to await the arrival of Mr. Bruce before we could come to Paris to meet with you. So that question is resolved. Let's overlook it.

Regarding procedure, Mr. Special Adviser pointed out three forums. We have agreed. We will maintain our agreement.

Now for substance.

We have agreed to discuss both military and political problems.

As for the military problem.

Regarding your military proposal, at an earlier meeting you had proposed 16 months for withdrawal. We criticized this proposal as a setback. Now you return to a 12-month proposal. This is not different from what President Nixon originally said. So we must say that this is nothing new, and this is just a return to what President Nixon originally said and what we criticized before.

Mr. Kissinger: The Minister is a very hard man to please.

Xuan Thuy: This is not a question of satisfying me; it is a question of a reasonable proposal.

Mr. Kissinger: I am in no danger of becoming overconfident in dealing with Minister Xuan Thuy.

Xuan Thuy: As for us, we said previously that we support Mme. Binh's proposal for six months. You said this proposal had been put forward by Mme. Binh without consultation with the U.S. Then I told you that Mme. Binh is prepared to discuss this with you.

But since you will not discuss the question with Mme. Binh, then we can discuss it here with you.

You said that a six-month period seemed unreasonable for technical reasons; I don't know the technical reasons. The U.S. in the past could bring troops rapidly into South Vietnam. Then what technical reasons prevent you from withdrawing rapidly?

But if there are differences, then we can discuss these differences. Secondly, regarding political problems.

You pointed out again President Nixon's three principles. I asked for clarification. But after your explanation, I am still not clear, and I still feel that they are not concrete enough.

Regarding the three principles:

The first is about the opportunity for the South Vietnamese people to decide their own future, without outside interference. We have expressed ourselves many times on this principle. But how should we understand the context of this principle? We understand that this question should be solved by the Vietnamese without foreign interference, that is, without U.S. interference.

The second statement is that the political settlement should reflect existing political relationships in South Vietnam. Maybe our views differ on understanding this political relationship.

I do not know how you understand it. But you said this morning that if the U.S. withdraws completely from South Vietnam, the question of the Saigon Administration will not arise. This shows that your view is that if the U.S. withdraws rapidly from South Vietnam, the Saigon Administration will not be able to stand.

It is our view that the Saigon Administration has been established by the U.S. It is not genuinely democratic, and it is not democratically elected by the South Vietnamese people.

So, in order to make clear the political relationships, we should let the South Vietnamese people decide themselves.

I do not know how you understand the political relationships, but I assume it is as follows: that now all densely populated areas are under the control of the U.S. and the Saigon Administration; I am not sure. If this is your understanding, it does not conform to the real situation.

Because the population has been forced into one area and put under guard, and compelled to do as you like, does not mean a real political relationship.

The third point you raised is about respect for the political process. The view of Mr. Special Adviser is not yet clear to me. But in the ten points of the PRG, free elections have been mentioned. And the PRG spoke of general elections before President Nixon raised them.

But the main question is who will organize the elections. The PRG does not demand to have the right to do this. However, the Saigon Administration always says that it is the legal government, and has the right to organize elections. If it does not overtly say so, it presents solutions or proposals which boil down to the same ideas. That is why the PRG proposed to have an organization for assuming the tasks of

elections, a provisional coalition government. And this provisional coalition government is not the monopoly of the PRG or of the Saigon Administration.

So how can you say that this proposal is unfair?

Mr. Special Adviser asked me to clarify the provisional coalition government. I say the provisional coalition government would include three components. But now you make the assertion that you will maintain the Thieu-Ky-Khiem Administration as it is. Then, if so, no settlement can be reached.

Because, Mr. Special Adviser said the U.S. wants to withdraw from South Vietnam. The U.S. wants to rapidly end the war. But it is precisely the present Saigon Administration which does not want to end the war, does not want the U.S. to withdraw, and does not want neutrality for South Vietnam.

So the present Saigon Administration is opposing communism, opposing withdrawal of U.S. troops, and opposing a neutral South Vietnam.

This means it wants the U.S. to stay in South Vietnam. If this is the desire of the Saigon Administration, does it reflect realities, the aspirations of the South Vietnamese people? No, it does not. It represents only a handful of people within the Saigon Administration.

So, in making these proposals, it does not mean that we are rigid. It means that we are reasonable and flexible. Therefore, I would like to propose that we should discuss the two problems, the military and political problems.

Covering military problems, Mme. Binh has proposed 6 months. If now you have any new ideas, we shall discuss them. If you want us to discuss your proposal, you should also take into account Mme. Binh's proposal. You should explain how this proposal is unreasonable. What are your technical difficulties?

As for political problems, I feel that Mr. Special Adviser's views are always the same he expounded before. There is no difference yet. The reason you have given for not being more concrete is not forceful. Therefore, I would like to propose that you think about the political question.

As far as we are concerned, we have come here to discuss with you, and the sooner we reach a settlement the better.

The prolongation of war is not in the interest of the Vietnamese or U.S. people. We want a prompt end of the war so that we can devote our efforts to reconstruction of our country. And I am sure some Americans also want to devote their efforts to other things. There are many areas where the U.S. can contribute its efforts. But if we are compelled to fight on, there is more reason for us to do so than you.

We are on our own soil, not outside our country. The Vietnamese people are only defending Vietnamese soil. We fight because we are compelled by the U.S.

Peace is always the best course. Therefore, we share Mr. Special Adviser's views on a prompt end to the war. We have always maintained these views.

You are a busy man. These trips take a great deal of time for you. We too are busy. It is longer for us to come here than for you. The U.S. is only a few hours from Paris, but it takes me a week.

In brief, the sooner we come to a settlement, the better. It is not our desire, our will, if we are forced to prolong the fight.

Now, please, it is your time to speak.

Mr. Kissinger: I will do something you do not normally do with me, which is to say that I like the spirit in which you presented your remarks. I would like to ask for five minutes to talk with my colleagues about your remarks. This is an important meeting. We have to decide whether and how to continue.

(There was a thirteen minute break.)

Mr. Kissinger: Mr. Minister, let me make a few comments on your remarks, which I want to say again were put forward in a constructive spirit. I do not think any useful purpose is served by debating about every individual factual item in which our evaluation is different from yours. I will just make two factual points which I believe are relevant.

First, it is not true that we have intensified our air activities in Vietnam. The opposite is true—we have decreased our air activities in Vietnam and all of Indochina. I say this only in order to make sure that your leaders in Hanoi receive the exact reports. Our military people sometimes are over-enthusiastic; I don't say yours are.

The second point is that President Nixon, since he has become President, has never used the phrase "position of strength" vis-à-vis Hanoi.

Now to substance. The Minister said that our 12 month schedule returned to our original position. This is not quite accurate. As the Minister himself has pointed out to me on many occasions, the statements of the President never made it clear that we were talking about *total* withdrawal of American forces. There are two things at least which are new. First, we accept the principle of total withdrawal, including all military bases. Secondly, we give for the first time a precise schedule, month by month, which we declare irrevocable, in the case that you accept the whole settlement. You will notice also, Mr. Minister, that the vast majority of forces, about four-fifths, will be withdrawn in the first nine months.

Now, the Minister asked me about technical difficulties. Contrary to how it may have looked to you, it took us three years to bring the

total number of forces we have into South Vietnam. The schedule we gave you here is based on realistic assessments of what is feasible if we are to move men together with their equipment. The only way it could be speeded up would be if we were to leave all our equipment behind. This is not to say that if after consultations with Mme. Binh you have a suggestion for minor adjustments that we would not consider it. I have the impression in any event that this is not the most difficult problem that we face.

Let me now make a few observations on the political side. First, a factual correction. I did not say, I did not mean to say, that if we withdraw our troops quickly the Saigon Government could not survive. What I meant to say was that if we withdraw our troops unconditionally and quickly what happens in Saigon is *your* problem and you will have to decide whether you can win a war with the Saigon Government or not. I am not making a prediction of what will happen—I'm stating a fact that you cannot ask us to do both things simultaneously.

Now let me turn to the Minister's particular observations on the political process. As I understand the Minister, he had no major difficulties with our statement of principles. His difficulty was on how to realize them.

With respect to the first principle, of course we would consider North Vietnamese pressure also as outside pressure.

But let me turn to what I consider the most important part of what the Minister said. I have the impression that the Minister believes that when we speak of the existing relationship of political forces in South Vietnam, he thinks we are talking about partition. He seems to think that we believe that in this manner we or the Saigon Government can control densely populated areas and we would leave to the PRG some of the not-so-densely populated areas. This is not our understanding of the solution. We are prepared—I can say this on the highest authority—to have a political contest in *all* of South Vietnam, in areas controlled by the Saigon Government as well as in other areas.

This of course gets to the next question the Minister raised—how can you have such a political contest? Your proposal has been that the Saigon Government must be replaced before such an election can take place. As I have told you, for many reasons, this we cannot do. We are, however, prepared to work with you in order to try to find methods by which the people of South Vietnam can express their wishes freely through a number of devices which I believe we can work out together. You have been very suspicious with the concept of mixed electoral commissions. I don't care what we call them. I think that the essential thing is to concentrate on how to organize elections rather than how to organize a government. I believe we can then make progress.

I want to repeat again that we will accept the outcome of the political process that we agree to here, even if it should have an outcome different than what now exists.

The Minister has said that he does not believe that the present Saigon Government will accept any fair solution. With all due respect, I don't ask the Minister whether the PRG will accept whatever he agrees to, even though I am told Mme. Binh is a formidable figure. We would rely on your persuasive power on your allies, and you have to rely on our persuasive power vis-à-vis our allies. I would only like to point out that our persuasive power will be greater the earlier the settlement and the greater our presence in South Vietnam.

We are not children—we recognize that you did not fight 25 years in order to leave your friends in South Vietnam to the mercy of their opponents. We are prepared to have a realistic settlement, and if your assessment of the situation is correct, you should be prepared to have a realistic settlement.

Now, let me say a word about the future of our meetings here. During our first break, the Delegate General pointed out to me that the American people and leaders don't understand Vietnamese history and psychology adequately. He is undoubtedly correct, although, as I pointed out to him, you didn't survive for 2,000 years in the face of enormous outside pressures because you were easy people to understand.

But if I may use this occasion to be equally frank with you, I'm not sure you always understand American psychology adequately. We have a shorter history and less complex mind. You sometimes ascribe to us Vietnamese subtlety and complexity. I told the Delegate General that sometimes I have the impression that you are more afraid to be deceived than to be defeated by us. You indicate toward us sometimes slight changes in your position through a subtlety of language and nuances of formulation which for somebody like myself, who has spent many years to understand you, is comprehensible, but which is very difficult to make understandable to people in Washington. Even though I demonstrated my inexperience in diplomacy by telling the Minister that I thought his presentation was constructive, it will not be easy to convince my colleagues in Washington that he said anything radically different from what he has said before.

I am not trying to win arguments with you, whether you believe me or not. They will want to know why the principal assistant of the President should spend time engaged in these discussions. Therefore I believe that the quickest way to make progress is in these discussions, because we can cut short all bureaucratic debates. But in order to do this we must have a concrete work program.

Now my proposal is this. First, I believe we can settle the withdrawal issue in a few more meetings. On the political issue, we should

put aside debate on who represents whom on the two opposing sides in South Vietnam. We should try to define precisely how we would organize elections in all of South Vietnam, whoever controls what territory. You should tell us what specifically worries you in those territories where the Saigon Government seems to have control. We will try in good will to work out procedures, not to guarantee you victory, but to satisfy your concerns.

If you are interested in a free expression for the people of South Vietnam, you will find that we will share your objective.

If we adopt this program and meet fairly frequently, I believe a rapid and fair end to the war is possible. And we know, as I said before, that if you should feel yourself deceived, it would not be an end of the war, but only an armistice; and this would not be in our interest.

But in all frankness I don't believe that the President will authorize many more meetings of this group if we do not have a concrete objective and a program to achieve it. If we are not going to be flexible, then discussions should be in diplomatic channels. That's all.

Xuan Thuy: Then what do you decide? On what day shall we meet again?

Mr. Kissinger: May I ask the Minister first whether this general approach is one I can report to the President as in principle agreeable to you?

Xuan Thuy: If so, then I should be allowed to express my views.

Mr. Kissinger: To answer your question, in principle, I am prepared to meet whenever it's useful.

Xuan Thuy: I should now express my views on the points you have just made. You said that the U.S. is also afraid of pressure North Vietnam will make on Saigon, and the U.S. considers this pressure as outside pressure. This is not true.

Mr. Kissinger: What is not true?

Xuan Thuy: I should tell you that the Vietnamese love one another. It's always easy to find solutions among the Vietnamese themselves. Whether in North Vietnam or South Vietnam, all of them are Vietnamese. Only there are a handful of Vietnamese foolish enough to listen to foreign aggressors, and they act counter to the aspirations of the Vietnamese people. Mai van Bo is from South Vietnam and I am from North Vietnam, but we live in good terms with each other.

Everyone knows that North Vietnam is socialist and we shall continue our path to socialism. You often said I'm a Marxist-Leninist, but I've never raised questions of Marxism-Leninism to you. Marxism-Leninism is something we understand among ourselves. Therefore when you invite me to come to Harvard, I ask you immediately whether I shall have to talk about Marxism-Leninism. Being a socialist country,

we approve South Vietnam's being independent, peaceful and neutral. This shows we respect the reality of South Vietnam and the general desire of the South Vietnamese people. We don't want to make any pressure on the South Vietnamese population, to compel them to follow North Vietnam.

You also said that it appeared we understood your statement to mean partition for political expression.

Mr. Kissinger: That was my impression.

Xuan Thuy: If that was your impression, therefore I must explain that that is not our thinking. You see, the South Vietnamese people want Vietnam to be reunited. All Vietnamese want the reunification of the country. You see, the Vietnamese now living in South Vietnam but forcibly put into concentration camps and under guard, even they themselves and others out of sight are all Vietnamese, all the same nation. Vietnam is now partitioned into two parts. Many Vietnamese have deep thoughts that some day in the future the country will be unified. But North Vietnam will not make pressure or coerce South Vietnam to have immediate reunification. Reunification must be realized through peaceful negotiations on mutual agreement. This is a longer period problem, not an immediate problem. It should be stressed that the will of South Vietnam is to be unified.

And I said previously that I presumed your understanding of political relationship is partition into areas. This is what I presumed you had in mind. I thought you have in mind that in case general elections are organized all over South Vietnam you believe Saigon will have a majority because the densely populated areas are under Saigon control. Then Saigon will be the winner in elections.

Even now you say you have no intention to guarantee victory to either side, and this will be left to the will of the people. This is what I mean—I think your understanding of political relationship is not correct. And therefore the herding of people into areas and putting them underground, forcibly done, is not a reflection of political relationship. Therefore this kind of political relationship should not be allowed to define political relationship. This is what I had in mind. I don't understand what you mean by partition.

You said that we were more afraid to be fooled than defeated. It is natural that in conditions of war there is suspicion on either side. But I don't mean that we are afraid to be fooled. We are afraid of nothing. We are not afraid of threats. Prolongation of fighting doesn't frighten us. Prolongation of negotiations doesn't frighten us. We are afraid of nothing.

The question is how to find a reasonable and logical conclusion.

Mr. Kissinger: I just wanted to caution the Minister not to overestimate me.

Xuan Thuy: Now you say that fair elections should be organized, but you insist on the maintenance of Thieu-Ky-Khiem and you consider this as a real political relationship. This is the most difficult obstacle to be resolved.

Mr. Kissinger: I agree.

Xuan Thuy: For the time being, the South Vietnamese people do not agree to Thieu-Ky-Khiem.

Mr. Kissinger: Let me make a point. If we can organize elections, then this point is academic. If the Minister is right, if the majority of the people want what he says, then they will be replaced, and we will accept this.

Xuan Thuy: A question arises on this point. The question lies in this point, in the fact that the puppet army is still there and the Thieu-Ky-Khiem Administration has been using this army to terrorize and force people. Then how can free general elections be organized?

That is why the proposal of the PRG is very logical and reasonable—because it proposes formation of a coalition government with the three previously stated components and then this provisional coalition government will not be under the influence of either.

Mr. Kissinger: In order to understand the PRG proposal, could Thieu-Ky-Khiem be part of the provisional government?

Xuan Thuy: You see, the provisional coalition government will include members of the present Saigon Administration except Thieu-Ky-Khiem because the South Vietnamese people hate Thieu-Ky-Khiem because they are very cruel. Therefore, they do not want to keep them. The longer you stick to Thieu-Ky-Khiem, it shows you don't want withdrawals from South Vietnam and you still want to use Thieu-Ky-Khiem as instruments of your policy. Thieu-Ky-Khiem excepted, then other members of the Saigon Government might participate in a coalition government. And since the three components of the provisional coalition government participate in the new government, then there is no longer the existence of the former government.

Therefore we believe that the PRG is very logical and reasonable. As to your approach, you want the situation as it is now and to continue it.

Mr. Kissinger: No, we are prepared to set up procedures, common or in other ways, in which no one is in control of elections.

Xuan Thuy: How will your views be feasible, particularly because your views deal only with the upper part but not the basic problem. U.S. troops will still be there.

Mr. Kissinger: The elections can be while U.S. troops are there, or not, as I told you last time. We have no fixed views on this point.

Xuan Thuy: But I want to say now with the present Saigon Administration with its army, how can fair elections be organized with such

conditions, with the present Administration in power and with its army?

Mr. Kissinger: I understand your question and we should discuss it in greater detail. Here is my quick answer. For example, if we organize commissions—or whatever we call them—if we set out rules on who can do what in each area, on these commissions the NLF, the Saigon Government, and other groupings could be represented. As for the question of violations, one of two things could happen. Either there will be free elections which we all accept. Or there will not be free elections and you will continue fighting and you will be no worse off than you are now. Of course both armies will have to stop military operations as part of an arrangement.

Xuan Thuy: We don't want that after elections the two armies will resume fighting. I am sure that this is in the interest of the U.S., that they do not resume fighting after elections. Therefore a radical solution must be found.

Therefore, here is what I am thinking. First, we have agreed to maintain the three forums. Secondly, at this forum, as we have agreed previously, we will continue to discuss military and political problems together. And at this forum the sooner we reach a settlement of fundamental problems the better.

Besides this, both sides must think over the two problems we have raised. For instance, for the period of troop withdrawals you have proposed 12 months and Mme. Binh 6 months. She is not here today.

Mr. Kissinger: You have to talk to her.

Xuan Thuy: Then what period should we adopt, 6 or 12 months? What is most reasonable? By what way?

You said that the great majority of U.S. troops would be withdrawn in 9 months. During the four first months there are very small withdrawals. It takes 6 months for them to be significant. This is one detail to be discussed.

Therefore even for military problems we should think them over and discuss further.

As for political problems, you do not bring anything new. We have proposed a number of points previously and today. We have given further clarification. After these clarifications, we believe that the proposal of the PRG is all the more reasonable. Therefore I agree with Mr. Special Adviser—there are many things which need further discussion.

But there is one thing Mr. Special Adviser laid stress on: that you cannot drop Thieu-Ky-Khiem before elections. As for us, we lay emphasis on the fact that if Thieu-Ky-Khiem are not changed then we can't settle this fundamental problem. This is not an expression of preconditions, but is designed to find the most reasonable solution. This is what we have been saying. Let us think it over; you think it over.

Mr. Kissinger: You want us to think it over?

Xuan Thuy: You should further think it over because what we have been saying we feel is all the more reasonable today.

Mr. Kissinger: If the President asks me—and he will—what have I achieved that has not been achieved at the Hotel Majestic and what the Minister tells me that is different, what should I tell the President?

Xuan Thuy: You will answer to the President that since you are at this meeting with instructions not different from what the American delegates say at Avenue Kleber (Mai Van Bo interjects in Vietnamese and Xuan Thuy qualifies)—nothing different on political problems—therefore Minister Xuan Thuy says nothing different either. It appears that after a preliminary exchange of views that Xuan Thuy has given clearer explanations and believes he is more reasonable.

As for military questions you have proposed 12 months and Mme. Binh 6 months. There must be discussions to settle this.

Mr. Kissinger: That is conditional on other domains that we must settle. If there is not agreement in other domains, then there will be no withdrawals.

May I ask the following question? Does there exist the theoretical possibility that after studying my remarks the Minister might discover something new and maybe make changes? Or do we have to make all the modifications?

Xuan Thuy: For the time being I tell you what I have been saying is reasonable and what you point out is unreasonable. Therefore both sides should study each other's statements.

On the point about Thieu-Ky-Khiem, I cannot agree with you.

There are many ways to answer the White House people. You say you come here to make explanations, you make threats—

Mr. Kissinger: No threats.

Xuan Thuy: After what both sides have sat down to discuss. In brief we want to find ways to reach a realistic and reasonable solution. The essential objective of the Vietnamese people is genuine independence and freedom.

Mr. Kissinger: I think we have taken this discussion as far as we can today. (Xuan Thuy nods.) How long does the Minister need to study the discussions today?

Xuan Thuy: It is up to your program.

Mr. Kissinger: Two or three weeks.

Xuan Thuy: All right. Fix a date, please.

Mr. Kissinger: I take it we would not interfere with the Minister's religious observances if we fixed Sunday?

Xuan Thuy: Being a Marxist-Leninist, I don't go to church. I respect those who go to church. I don't know whether you go to church.

Mr. Kissinger: September 27?

Xuan Thuy: (Some discussion among the Vietnamese.) Sunday?

Mr. Kissinger: 9:30? If you have given up Sunday, I must do the same to express my respect for you. My girl friends worry. I disappear on Sundays and can't say where I am.

Xuan Thuy: It is lucky you are not married. If you were married, your wife would be much more worried.

Mr. Kissinger: That is a good point.

Let me say a few words in the domain of a political science lecture about the U.S. Government. Your government, as I understand it, is highly organized and well disciplined. Our government is very large and complicated—it is one of the penalties for being an industrially developed society. In our government only the White House and Ambassador Bruce are familiar with our discussions. It is therefore possible that other things happen which, precisely to guard the confidential nature of our discussion, we will not be able to control. Therefore it is possible that certain events happen which in order to preserve confidential discussions we cannot stop. I am not talking about military actions.

You should keep this in mind and if you have any questions you should ask me. I shall tell you exactly what will happen.

While confidence in Americans is not your most distinguishing feature, I would say that if you don't have a minimum of confidence in our relationship the situation could become complicated.

When you study these remarks I would like to take the liberty of calling your party's attention to my explanation of American thinking and the impact of your approach on us. I know you have not come through 2,000 years of history by being very yielding and excessively flexible. But since I think our next meeting will be very important, I would like to suggest for you to study and consider the following.

I am not one of those Americans to whom you must prove that you must be tough or strong or unyielding. I am not trying to trick you. You see many people who make many declarations, but they are not in a position to produce anything. This channel is the best—maybe the only, way to have maximum influence in Saigon. We would not abuse a generous attitude on your part because we know that if we did you would only redouble your efforts. There is nothing that we would rather do than to be able to make a contribution to a just peace which takes account of the suffering of all people, especially all the courageous Vietnamese people.

That is why I would like to urge you to consider the modifications which could give our discussions vitality and urgency.

Xuan Thuy: As you know, our history has shown that when the adversary party shows rigidity, the Vietnamese people know how to

show greater rigidity, but when the adversary party shows reasonableness, the Vietnamese people know how to show reasonableness. (Mr. Kissinger nods. Xuan Thuy nods and smiles.)

Now, Mr. Senior Adviser says that this is the best channel to settle problems. I think so too. Of all the forums this is the best one to discuss a settlement of the problem.

I told Mr. Senior Adviser that in extended fighting the Vietnamese people remain resolute and determined, but they prefer a prompt settlement of problems. A peaceful settlement reached here will be in the interests of both peoples, Vietnamese and American. Therefore both sides should show good will and serious intent. We have been saying to each other these things, but the question is how to go into specific problems in a logical way and a reasonable way. We are prepared to discuss with you in a forthcoming, logical and reasonable way.

Mr. Kissinger: We have only one other problem, purely technical. General Walters has been driving me crazy all summer to go to Japan. I have kept him here for a variety of reasons. Now he plans to leave town and will be back just before September 27. Is there any possibility you would wish to contact me before September 27?

Xuan Thuy: (Xuan Thuy consults his colleagues.) For the time being I don't see any.

Mr. Kissinger: There are two ways to handle this. If for urgent reasons you wish to contact me, we could designate another person here. I am reluctant to do this, because we want to keep the number of people who know our relationship very small. Another possibility is that you send Mr. Lord a telegram at his home address with a fictitious name, saying you have a message from a friend. (Kissinger and Walters discussed dates.) In that case, we would then send Mr. Lord over here to see you. (Xuan Thuy nods.) Perhaps it would be better to contact Mai Van Bo.

General Walters: He could use the same name, André.

Mr. Kissinger: Conversely, if I have a message, I will send a telegram to you under his name. This is all very unlikely, but I like to prepare for the unforeseen.

Like what I told you about our large bureaucracy, we now have the problem that one of General Walters' superiors is arriving that particular week and how do we explain why he is not here? I will try to use my influence to change the schedule of his superior's trip. In the unlikely event we cannot change the date, my influence will be even less than I thought. This won't be necessary.

Xuan Thuy: As to what you said about our discussions only being known to us, Ambassador Bruce, and the President's office here, any leakage is from your side. We do not leak anything.

Mr. Kissinger: There has been none.

Xuan Thuy: We should maintain this habit.

Mr. Kissinger: It is very much in our interest.

Xuan Thuy: We do not leak.

Mr. Kissinger: This is very secure.

The meeting ended at 2:30 p.m. with some closing pleasantries, during which Xuan Thuy, in reply to Mr. Kissinger's question, said that Le Duc Tho would return to Paris. Thuy was very friendly in this parting exchange.

7. Memorandum of Conversation¹

Paris, September 27, 1970, 9:35 a.m.–1:50 p.m.

PARTICIPANTS

Xuan Thuy, Chief of North Vietnamese Delegation
Mai Van Bo, North Vietnamese Delegate General in Paris
Phan Hien, Member of North Vietnamese Delegation
North Vietnamese Interpreter
One other North Vietnamese Official
Henry A. Kissinger, Assistant to the President for National Security Affairs
Major General Vernon Walters, Defense Attaché
W. Richard Smyser, NSC Staff
Winston Lord, NSC Staff

There were some opening pleasantries on the absent Le Duc Tho and the President's upcoming trip.

Mr. Kissinger: I do not want to impose on the Minister's good nature by making another initial statement myself, so I want to leave this to him this time.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 1039, Files for the President, Vietnam Negotiations, HAK I, July 1969–September 27, 1970. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at the North Vietnamese Residence at 11 Rue Darthé. Smyser and Lord forwarded the memorandum of conversation to Kissinger under an October 14 covering memorandum, and Kissinger approved it. (Ibid.)

After this session, Kissinger told the President: "My four and a half hour meeting with Xuan Thuy and Mai Van Bo was thoroughly unproductive and we adjourned without setting a new date." That is, "Xuan Thuy gave little on the military issues and was very unyielding on political questions." Therefore, Kissinger concluded that "it was clear that there was no reason to continue the channel at this time." (*Foreign Relations*, 1969–1976, vol. VII, Vietnam, July 1970–January 1972, Document 45)

Xuan Thuy: I am ready.

Mr. Kissinger: I am in Paris publicly this time.

Xuan Thuy: I would like to speak.

After the last meeting, I have examined the views of the Special Adviser and my own statements that day.

This is what I think:

About the schedule for total withdrawal of U.S. troops in twelve months as presented by you last time, in our view the period of twelve months advanced by you contains nothing new.

But you have said how troops will be withdrawn during these twelve months. This is something concrete.

And in our view, the troop withdrawal may be more rapid. It is not necessary to maintain a 12-month period.

If we go now into the number of troops to be withdrawn each month, we see that in the first three months the number to be withdrawn will be very small. Not even one-fifteenth of the total strength. These are rough remarks. I do not want to go into detail, but just to say this.

I would think that if the troops are withdrawn in greater numbers in the first three months, then in later months, there will be fewer troops to be withdrawn.

Thus the war will be rapidly ended and peace will be restored in Vietnam, and a favorable atmosphere created to normalize the situation in Vietnam.

However, in the schedule presented by the Special Adviser it is not clearly stated how various U.S. military units and branches will be withdrawn, and how U.S. military bases will be dismantled.

Therefore, I think that the proposal presented by Mr. Special Adviser for withdrawing U.S. troops is not rational.

At the last meeting I said that I think the proposal of Mme. Binh for total withdrawal of U.S. troops in six months was rational and you should take it into account.

Now there is a new element. That is, at the 84th session in the Paris Conference, to show once again her goodwill, Mrs. Binh proposed a new time schedule for total withdrawal of U.S. troops and others in the U.S. camp. That is nine months, by June 30, 1971.

If we count from October 1970, then the time period for troop withdrawal proposed by Mrs. Binh at the 84th session has been increased from six months to nine months.

Mr. Kissinger: That gives us three days to make peace.

Xuan Thuy: If we count from the day she made the proposal, then the time period is longer than nine months. If we count from the day she proposed six months, then it's a longer period. This shows that the PRG is very flexible and realistic.

And if we compare this with your schedule, it shows that Mrs. Binh's proposal has taken into account your proposal. Therefore I repeat that Mrs. Binh's proposal for the time period for U.S. withdrawal on September 17 is very rational. Basing ourselves on Mrs. Binh's proposal, I can now point out a number of principles for troop withdrawal.

The first principle is that big numbers of troops should be withdrawn in the first months, so that in the later stages smaller and smaller numbers will be withdrawn.

The second principle is that combat troops, including infantry, air forces, navy, and artillery should be withdrawn before other military branches, such as the logistics.

The third principle is that withdrawal and dismantlement of U.S. military bases should be carried out during the troop withdrawal.

The fourth principle is that the withdrawal of troops from other countries of the U.S. camp should be carried out with the same proportion and speed as the withdrawal of U.S. troops.

Thus I propose a detailed schedule for the withdrawal of U.S. troops in nine months:

First Month	—	60,000
Second Month	—	60,000
Third Month	—	60,000
Fourth Month	—	60,000
Fifth Month	—	60,000
Sixth Month	—	60,000

The remaining troops will be withdrawn in the seventh, eighth, and ninth months.

That is to say, 60,000 troops will be withdrawn for each of the first six months. The remaining troops will be withdrawn during the last three months.

If the United States agrees to the time schedule and the principles I have mentioned for troop withdrawal, two problems arise:

First, the People's Liberation Armed Forces of South Vietnam will refrain from attacking U.S. military bases and units that are withdrawing or are preparing to withdraw.

On the other hand, the U.S. Government shall refrain from having U.S. troops and those of other countries in the U.S. camp, including infantry, navy, artillery and air forces, launch attacks against the liberation troops, or other hostile acts against them.

If the U.S. Government accepts this proposal, then the two parties will enter into immediate discussion of the plan for total withdrawal

of U.S. troops and other foreign parties' troops and immediate discussion for plans for the security of the troops being withdrawn.

We would like to clearly state that if the U.S. Government accepts this proposal on the time schedule for U.S. withdrawal, then discussions will be held on the release of prisoners, including U.S. pilots captured in North Vietnam.

Now I come to the political problems. The last time I said that the Special Adviser did not present anything new in this connection. You repeated the political principles put forward by President Nixon.

After consideration, we realize that the U.S. Government persists in maintaining the Thieu-Ky-Khiem Administration.

The second point is that Mr. Special Adviser referred to a political process in accordance with how you understand this term. But we understand that what you mean by political process is the organization of general elections in South Vietnam.

And I have pointed out with regard to the organization that if the Thieu-Ky-Khiem Administration still exists, then elections cannot be free and democratic.

The third remark I would like to make is that Mr. Special Adviser referred to electoral commissions or something else that it would be called. I don't know what you mean by "something else." I understand that the electoral commission is crucial at organizing general elections. But with the electoral commissions we will have the obstacles I listed, that is the existence of Thieu-Ky-Khiem. If so, the elections cannot be well organized.

Therefore, the principles put forward by President Nixon on April 20, 1970, and the views expressed by Mr. Special Adviser the last time, we feel are unacceptable to us.

As far as we are concerned, Mrs. Binh has very clearly stated on political problems on September 17.

I myself have on many times expounded my views on the political problem of South Vietnam, in accordance with Mrs. Binh's proposals.

In accordance with Mrs. Binh's program, the political process—to use your term—will include three steps.

The first step is that the U.S. Government will renounce Thieu-Ky-Khiem. This is also the demand of the South Vietnamese people, of South Vietnamese political circles, of the American people, of political circles in the U.S., and of world opinion.

Without Thieu-Ky-Khiem, an administration will be established in Saigon. This administration will favor peace, independence, and neutrality, will apply all democratic liberties, and will improve the living conditions of the people.

The PRG has clearly stated that it was ready to enter into direct talks with such an administration in Saigon about a political settlement so as to rapidly put an end to the war and restore peace in South Vietnam.

The second step is the formation of a provisional coalition government in South Vietnam including three components:

- First, persons in the PRG;
- second, persons of the Saigon Administration standing for peace, independence, and neutrality;
- third, persons of various political and religious tendencies, including those who for political reasons have to live abroad.

The third step. The provisional coalition government will organize truly free and democratic general elections all over South Vietnam. These will elect a national assembly, will work out a constitution, and will form a coalition government.

As to the future political organization in South Vietnam, the future government in South Vietnam will be decided by the general elections. Nobody will take a decision beforehand on these problems.

But there is one point I would like to stress. South Vietnam will in the future be independent and neutral, because only by so doing will this area be peaceful.

It is our desire that not only South Vietnam will become neutral, but it is our desire that all neighboring countries in this Southeast Asia area will follow the line of peace, independence, and neutrality.

We think that the provisional coalition government is most rational for the organization of general elections, since it will fulfill the task of organizing free and democratic general elections.

Because if the PRG will organize elections, you will naturally not agree to that. Or, if Thieu-Ky-Khiem organize elections, or some other organization including Thieu-Ky-Khiem, the elections cannot be free and democratic.

And I think that these three steps proposed by the PRG for the political process will reflect respect for the self-determination for the people of South Vietnam. They will reflect the general rights for self-determination of the people of South Vietnam. They will reflect the real situation in South Vietnam. It is a rational proposal for this purpose.

Naturally these three steps follow a logical sequence. The first step will lead to the second step and the second step will lead to the third step. Therefore in the immediate time frame the first step is important. If we make the first step then all the political process will go on.

If now the U.S. accepts these principles and the three step political process, then we shall enter into immediate discussion of this problem and the details.

Today I would like to present these two problems after consideration.

Mr. Kissinger: I appreciate this presentation, Mr. Minister, but I propose you let me ask you a few questions to clarify my understanding and then a very brief break, after which I will give you a reply.

With respect to troop withdrawal, you mentioned several ways in which one could compute the time in which to withdraw American forces and other allied forces—from the time of the announcement of the proposal, from the time of agreement, etc.

Am I correct in assuming that in your proposal these nine months will begin to run from the date of an agreement?

Xuan Thuy: This period of nine months counts from October. Mrs. Binh made the proposal on September 17 and it is based on your schedule, since you said your schedule was based on U.S. strength on October 15. Thus the nine months counts from October.

Mr. Kissinger: I have two questions. Since on October 15 we will have about 390,000 troops in Vietnam, and the Minister says 60,000 must leave in each of the first six months, I have developed the unhealthy suspicion that he is really talking of a six-month proposal since almost all will be gone by six months and after that we will have virtually nobody left. Or perhaps there is a subtlety which escapes me.

Xuan Thuy: (laughs) I said that big numbers should be withdrawn during the first months so that at the end there will be a very small quantity of troops to be withdrawn. This will be easier for you and the war will be ended more rapidly.

Moreover, I think that if the U.S. Government decides to end the war and pull out its troops, then we should visualize methods to pull out troops most rapidly so that the war will be quickly ended and other problems more easily solved.

Mr. Kissinger: Let me sum up my understanding of the Minister's proposal at this point.

I must say that the Minister is not neglecting the advantages to his side in the negotiations in making these propositions. No matter when the agreement is made, if I understand correctly, the June 30 deadline remains? Is that a correct understanding?

Xuan Thuy: The deadline is put forward so that we can discuss here and come to a rapid settlement.

I remember that at our first meeting Mr. Special Adviser proposed a deadline for the talks. Now, if we should come to a settlement by October 15, it will be better if we come to an agreement now.

Mr. Special Adviser says that all advantage is on our side. That is not true. If the war is ended soon, the better interests of Vietnam, the U.S., and the entire world would be served. The questions put by Mr.

Special Adviser make me wonder if Mr. Special Adviser would like to prolong the war. I thought it was not so. Then this is the best time to discuss the matter and settle the war promptly.

Mr. Kissinger: From this remark, I understand that if by October 15 we do not settle, we can then consider the question of the schedule again, although I share the Minister's hope we can settle by October 15.

Xuan Thuy: So, if this question is put by Mr. Special Adviser, do you want to prolong? I still remember that last time Mr. Special Adviser said we could settle the matter of troop withdrawal in a few sessions.

Mr. Kissinger: We are now making debating points. We'll put this aside for the time being. I understand what he's saying and will come back to it. We have more difficult points to resolve.

Xuan Thuy: I would like to add this: The last time I remember Mr. Special Adviser said that we should come to an early agreement, and if so all U.S. troops would be withdrawn within twelve months, starting from October 15.

According to your schedule, if we come to agreement by October 15, 1970, you will complete your withdrawal by October 15, 1971.

Mrs. Binh previously proposed six months for troop withdrawal, counting from the day of her proposal. Now six months are over. She now proposes a deadline of June 30, 1971 for troop withdrawal. Therefore she was more positive in her proposal. We approve this positiveness, and in this position she took account of the U.S. view.

Mr. Kissinger: The Minister has an unfair advantage over me. He has studied dialectics over the years. I have only studied it recently since we began meeting. I hope he will keep this in mind in considering my reply.

But to make the meaning of my proposition of last time clearer. If the settlement, against all expectations, should be delayed beyond October 15, our proposal was not that the lower number of troops would reduce the time for withdrawals, but rather would be applied proportionately to each month, given the fact that there would be less troops after October 15. But, as I said, this is not our most difficult problem.

Let me ask another question, if I may, to clarify what the Minister has said. As I understand the Minister, after an agreement is reached on the troop withdrawal question, then the liberation forces would stop fighting if we stop fighting. What I want to ask is if they will stop fighting only against us or stop fighting altogether.

Xuan Thuy: If these other troops continue to fight, there is no reason for the liberation forces to stop fighting.

Mr. Kissinger: Let me understand it exactly. If there is an agreement, and if it is part of the agreement that the liberation forces stop

fighting if all other forces stop fighting, will the liberation forces accept this?

Xuan Thuy: Then we should discuss this. We should discuss.

Mr. Kissinger: All right. The Minister spoke at some length about the withdrawal schedule and then he spoke about political settlement. I would like to understand if the Minister considers these two problems linked or if he considers them separable.

Xuan Thuy: We have previously agreed that discussion on these two problems must go together. They are linked.

Mr. Kissinger: That was my understanding. But there was some ambiguity in Mme. Binh's statement and what the Minister said. I understand our previous agreement.

Xuan Thuy: It is very clear. It shows how military problems should be solved. How political problems should be solved. But these two kinds of problems should be related to each other. For clarity of presentation they are put separately. But when agreement is reached it should be on both points.

Mr. Kissinger: I understand this, but we have such high regard for your subtlety, we didn't know whether you wished to say something we had missed. Since we are not so skilled in subtlety we wanted to make sure we understood.

Xuan Thuy: So we understand that both problems are related.

Mr. Kissinger: So do we.

I would like to say a few words about withdrawal. I would like to recall to the Minister that when we talked of withdrawal in the winter and spring meetings I had pointed out to him that there had to be withdrawal of non-South Vietnamese forces from South Vietnam.

I also pointed out we recognize the special legal and moral and political problems you face in relation to South Vietnam. We recognize that you do not want to be put on the same legal basis as the U.S. in South Vietnam. I suggested some ways to solve this and said that we were ready to listen to your suggestions.

I would like to make clear that the schedule I presented last time was put forward under the same general conditions as that of last spring concerning the withdrawal of other troops.

Xuan Thuy: In this connection, we have always told Mr. Special Adviser the same thing, and Mrs. Binh on September 17 has made known her position, which is that the question of Vietnamese armed forces in South Vietnam will be solved by the Vietnamese parties among themselves.

Mr. Kissinger: Another question. I have some others. The Minister made such a full statement that I have many questions. He must excuse me for not being a good student.

Xuan Thuy: But you are a veteran and famous professor.

Mr. Kissinger: Fortunately for me, none of my students were Vietnamese. If so, I wouldn't be a professor. The Minister will be pleased to know that I have told the press that if the records of our negotiations are published in the future and people are told that these are negotiations between a developing country and a developed country, but without identifying what each said, people will not be sure which is the developing country and which is the advanced country.

Now, let me ask my questions.

The Minister spoke of the desire of his government that the settlement cover not only the peace and neutrality of South Vietnam, but also of all neighboring countries. I have two questions. One, what does he mean by neighboring countries? Two, what does he have in mind for assuring the peace and neutrality of neighboring countries?

Xuan Thuy: I mean by neighboring countries such nations as Laos, Cambodia, Burma, Indonesia, Australia, Thailand. In our view such countries should follow the path of peace and neutrality, so that this area will be peaceful.

Mr. Kissinger: Is the Minister saying that the war will go on until all this is achieved?

Xuan Thuy: It is our desire that this area be peaceful and neutral, South Vietnam should be peaceful and neutral. For the time being we know that Vietnamese are fighting on Vietnamese soil. For the time being we are discussing Vietnamese problems. To tell this, my intention is to show that we really want peace.

Mr. Kissinger: I notice that the Minister did not mention China, which is closer to Vietnam than Australia or Indonesia. Was that an inadvertence?

Xuan Thuy: No, it was not by inadvertence. Our foreign policy is as follows: We have a foreign policy toward Socialist countries, and we consider that other Socialist countries and Vietnam, which is also a Socialist country, are all brother nations following the same Socialist path.

Besides Socialist countries, countries with other political systems than ours, we follow the policy of peaceful coexistence, in accordance with the five principles.

This is my clear understanding. It is not by inadvertence that I omitted China.

Mr. Kissinger: I have enough confidence in the Minister to know that he does nothing by inadvertence. I am just using the opportunity to get a free education.

Let me then sum up my understanding of this point. First, are you making a distinction between the nations of Indochina and all other

countries you mentioned? Second, are you stating your objectives of peace and neutrality for all these countries as a hope or as a condition?

Xuan Thuy: I will make myself clear. North Vietnam, i. e., the DRV, is now a Socialist country. We follow the same path of Socialism as other Socialist countries. We follow the same path of Socialism, but the DRV has its own independent policy. We do not compel any other country to follow the same path as ours. We respect other countries. Even for South Vietnam, that is part of Vietnam and that will be ultimately reunified into one Vietnam, but taking into consideration the real situation there, we approved the position of the PRG that South Vietnam should be neutral.

But since I am speaking of South Vietnam as peaceful and neutral, I extend my idea, saying that all other neighboring countries should be peaceful and neutral, so that the situation in this area should be peaceful.

It is our desire. It is our wish that Laos be neutral and maintain its territorial integrity. The Laos problem should be solved on the basis of the 1962 agreements and on the basis of the real situation in Laos, on the basis of the five points proposed by Prince Souphanouvong.

With regard to Cambodia, we have often stated that we respect the peace, neutrality, independence, and the integrity of Cambodia. We approved the proclamation of Prince Sihanouk in March 1970, and we support the policy of the national united front of Cambodia and the government of Penn Nouth.

With regard to Burma, we have consistently supported the neutrality and the independence of Burma.

But Thailand and Australia have been allies of the U.S. and have sent troops to South Vietnam. You do not want these nations to be neutral. So troubles arise, and make the situation in this area unstable.

Since you asked your questions, I have expanded my ideas. This is not our objective. But here we are discussing the problem of Vietnam. I propose we return to it.

Mr. Kissinger: I have corrupted the Minister, and tempted him into philosophy.

Let me ask a question on the political program which the Minister advanced, which was quite clear. I have one question.

Last year, when I had the pleasure of meeting the Minister, he said that Thieu-Ky-Huong had to be excluded from the government. Now he says Thieu-Ky-Khiem must be excluded. Am I to understand from this that Mr. Huong has become acceptable during this time?

Xuan Thuy: I think now, that if you replace Mr. Khiem by Mr. Huong, we have to repeat the same demand as before.

Mr. Kissinger: This gets me to my second question. What you are saying is that you and your allies reserve the right to determine who is for peace, independence, and neutrality.

Whoever you say does not stand for these things is automatically excluded.

Xuan Thuy: This is what I think about that.

If we speak of the real situation of South Vietnam, South Vietnam should be really independent, peaceful, and neutral.

I think this line is logical and reasonable. We can accept this line.

Mr. Kissinger: What line?

Xuan Thuy: We can accept this line. The U.S. can accept this line. The overwhelming majority of the South Vietnamese people can accept this line. The whole world can accept peace, independence, and neutrality in South Vietnam. Because it is impartial and not inclined to either side.

If the U.S. maintains Thieu-Ky-Khiem, it is a regime that the whole world knows to be dictatorial and fascist. I don't know whether you listen to public opinion in South Vietnam, to many senators and people in the lower house in South Vietnam, and people in the street. There is a strong movement opposing Thieu-Ky-Khiem for their fascist and dictatorial character.

You are probably too busy to pay attention to public opinion of South Vietnam.

Last week, a number of Christians, Catholic people of South Vietnam, came to Paris and held a press conference. They demanded also the change of Thieu-Ky-Khiem. Without that, the people of South Vietnam will be choked. They are also people coming from South Vietnam.

Therefore, I think that after the formation in Saigon of a government without Thieu-Ky-Khiem, which favors peace, independence, and neutrality, and which talks with the PRG, it will be easy to come to an agreement.

Mr. Kissinger: But if I understand the Minister—I apologize for slowness of mind—he is not only speaking of Thieu-Ky-Khiem, but of everyone else who in his judgment, or what he considers the judgment of South Vietnamese public opinion, is not for peace, neutrality and independence. For example, Huong. I don't wish to run through a list of who is acceptable or unacceptable, but I gather that it goes well beyond Thieu-Ky-Khiem. I have already cited Huong.

Xuan Thuy: I think that, like in the U.S., there are diverse people in South Vietnam. There are those who favor Communism. There are those who don't like Communism. There are those who want to collaborate with the U.S. There are those who resolutely oppose the U.S.

I do not propose that South Vietnam should be Socialist. If I proposed this you could say I want to take advantage for our side. Since we face a very complicated situation in South Vietnam and the majority of people in South Vietnam want a solution which is most flexible and concrete, this is the most flexible and concrete way, that is, peace, independence, and neutrality of South Vietnam.

Even here, we should find a way which is most flexible and conciliatory to settle the matter.

Mr. Kissinger: One final question, and then I propose a break. My understanding of these meetings is that our objective is to say things to each other in the most private circumstances possible, so we can say things we cannot say in other forums. My question is: what has the Minister said here that has not been said publicly either at Avenue Kleber or in the public presentations of Mme. Binh?

Xuan Thuy: I think that all my public statements are known to you.

The last time you proposed twelve months for the complete withdrawal of U.S. troops and troops of other countries. I said then that Mme. Binh's six months proposal was more rational. You said you had not been consulted and that she made her proposal on her own. I said that she was prepared to discuss her proposal with the U.S., but you said I should discuss it with Mrs. Binh. When I said this to her, I did not tell her about what Mr. Kissinger had said. I told her that it was said that the U.S. might accept to withdraw all its troops within twelve months. If that is true, what would you think, I asked her. She said, now, my proposal of six months is reasonable. I told her, you propose six months, but the U.S. does not accept this proposal. She said so far the U.S. has not put forward any deadline for full withdrawal of U.S. troops. This shows that the U.S. wants to prolong its troops in South Vietnam and refuses to completely withdraw its troops. She said that if the U.S. would only make a statement that the U.S. would completely withdraw its troops, it might put a time limit on it—maybe three, ten, fifteen years; only then would it be a complete withdrawal.

Therefore she proposed a deadline for withdrawal, June 30, 1971.

Considering what I told you last time, and what you told me, I think the proposal of Mrs. Binh is reasonable and takes into account the views of the U.S.

Mr. Kissinger: I propose we take a small break. I must say that we appreciate the Minister's ability to deal with the terrifying Mme. Binh. We've never had such success in our sessions. We congratulate him. We are ready to take lessons.

When the Minister visits me at Harvard, I'll ask his formula for dealing with Mme. Binh. I don't ask it now.

Xuan Thuy: But if you argue that although you have tried to persuade the renouncement of Thieu-Ky-Khiem for 2–3 years, you have

not succeeded, I will not say your persuasive power is bad, but I think you should persist.

(There was a break of about twenty-five minutes, during which Mai Van Bo remained to make conversation and to eat snacks with Mr. Kissinger and the other Americans. Bo asked why we did not recognize Communist China.)

Mr. Kissinger: General Walters asked me to explain why he came by before I did. This is because we are here publicly. We wanted to be sure there was no press.

Mr. Minister, I have listened to your statements with great attention. I have thought about them during the recess, and would like to make a few general observations.

Before I came here, I wrote a memorandum for the President, as I always do, to tell him what I hoped to accomplish here. He wrote on it in his own handwriting, from which I'm reading to you, two observations which I will read to you.

(Reading President's notes) First, I want you to get quickly to the heart of the question—do they want a rapid decision or do they just want to repeat simply positions already explained.

Secondly, he wrote: I want you to make it clear at the outset that I have instructed you that unless *real* progress is made at this session, I cannot justify continuing this channel. He underlined the word "real."

(Mr. Kissinger held up to Xuan Thuy the memorandum with the President's handwriting.)

I had not intended to read this, but I feel obliged to do it in order to underline the seriousness of what I will now say.

When we met last time, I told you that the President would scarcely send his closest personal adviser to meet with you unless he wanted to give himself the maximum possibilities for flexibility and chance for progress.

I also said that the principal justification for this channel would be if things happen in this channel which do not happen anywhere else.

Now, I find that the Minister repeated, with his normal power and eloquence, in effect the proposal which had already been made by Mme. Binh.

While I appreciate his intervention with Mme. Binh before she made her proposal, it can scarcely be said that what he said here is different from her proposal.

Indeed, it can perhaps be said that the only difference between what the Minister said to me and what had already been stated publicly, is that in his observations to me he made more concrete and sharper the demands he made on us. He did not explain what your side should do.

Indeed, the element of nine months had already been stated publicly, and is further weakened by being in effect a six-month withdrawal schedule if we follow the proposals of the Minister.

It is for this reason that I am not using a prepared statement for my reply, but will simply comment on what the Minister has said.

First, with respect to the military issue, as I have said, the practical proposals of the Minister have the consequence of retaining the six-month schedule that had apparently been discarded, and therefore do not represent a significant element.

As for some of the other technical questions, about the types of troops which would be withdrawn first, and what bases should be closed when, I believe this could be handled by our negotiators here, and would not require my presence.

I continue to believe, however, that these questions are capable of a possible solution once an agreement in principle has been reached, and I do not consider the military issues the chief obstacles to a settlement.

In order not to mislead you, I must point out that before a final settlement is reached on the military issues, we would expect an indication from you as to your intentions, as you had indicated in your statement in March.

Xuan Thuy: Our intentions about what?

Mr. Kissinger: About the disposition of other non-South Vietnamese forces.

As to political issues, I would like to put our point of view before you with the greatest frankness.

The President stated three principles on April 20 which I have repeated to you before. We recognize that even with goodwill, they would be very difficult to implement.

We recognize that the issue of organizing a political solution in a country with your history, after a conflict that has lasted for 25 years, would be very complex. All we can say is that we would approach you with goodwill and a serious intention to find a solution.

I have been for many years among those in the U.S. who have most believed in the possibility of serious negotiations with you, and who have worked very hard to bring them about and make them succeed.

I have in recent months been criticized for being excessively optimistic on the possibility for negotiations. And perhaps it is true that the critics were right.

We can understand that you would want an end to military operations that could impose our solution in South Vietnam, but what you

are asking of us is not only to terminate military operations but to do things which will have the practical effect of imposing your preferred political solution.

Your whole training and your whole history make it clear that you understand the nature of objective reality, and therefore you know and I know that when you speak of Thieu-Ky-Khiem you are asking not the elimination of three persons but of the forces they represent.

Your answers to my questions leave no doubt that you reserve the right to determine who stands for peace, independence, and neutrality . . . and thus to determine the composition of one of three elements of the provisional coalition government. In fact, of two of three elements. The objective consequence of your proposal . . .

Xuan Thuy: Would you please repeat?

Mr. Kissinger: Let me explain.

In fact, one can say that you reserve the right to determine the composition of all three elements. You determine the composition of the PRG. You decide who stands for peace, independence and neutrality in the Saigon Administration. Thirdly, since you define who stands for peace, independence and neutrality, you will also determine who is to come from all the other groups.

As a result, and since I have had occasion to point out previously that the Minister never does anything inadvertently, we have to conclude that the political outcome will be predetermined in these discussions.

I have repeatedly pointed out, and there is no sense repeating it, that you have the President's word through me that we will make a most serious effort to establish a political process which reflects the existing political realities in South Vietnam. The forces you support and those allied with us.

But just as we will not tell you who should be in the PRG, we won't accept your telling us who shall be in the Saigon Administration.

We are not concerned with three individuals as such. It is not three individuals who are the obstacle to peace. It is your insistence that the choice of the Vietnamese people be determined in advance. If your analysis of the will of the South Vietnamese people is correct, then we will agree to organize a process which will reflect that, and then Thieu-Ky-Khiem will be replaced. If your analysis is not correct, then we expect that you also accept the results of the process.

I repeat: we are prepared to negotiate with you a political process in which all political forces can participate, and which is conducted by neutral means, so that no political force has an unjust advantage. We are not prepared to determine in advance what the results of that process must be.

I would like to make one observation on a related subject, that of POW's. I have not mentioned it in this channel because we believe it is not a proper subject for negotiations. It is simply a humanitarian problem.

We will not give up our principles because of the fact that you hold American prisoners of war. But we would consider it a sign of goodwill if you would enable people who have suffered enough to rejoin their families.

Let me return to the original discussion.

I have made the previous observations with some sadness, because they indicate, perhaps, that we have reached a point where nothing more fruitful can be done in this channel.

The President has sent me here as a token of his desire to end the war as rapidly as possible on terms just to all. I have accepted this assignment with great personal pleasure, because I believe, as does the President, that the war has gone on long enough, and that there has been enough suffering, and that we owe it to our people to bring the war to a rapid conclusion in accordance with what has gone before.

I would hate to think that you have chosen the road of public pressure and continued military confrontation, but I do not know what else to believe.

If it is possible for you to believe anything that any American can say to you, across the gulf of so many years of war and ideological difference, I want to tell you that I am here to testify sincerely to our desire to achieve a just peace. But by the same token, we cannot accept demands which are unilateral and which we consider unjust.

And therefore, we have now a choice to make, which road we shall go. The road of negotiation, with goodwill and a sense of justice, or the road of confrontation.

We have made our choice and you should now make yours.

If the Minister has any comment on my observations, I would be grateful for it.

Xuan Thuy: So you only make remarks and you don't bring any new proposals.

Mr. Kissinger: Yes.

Xuan Thuy: Now let me say this.

I have also many times told the Special Adviser that we want to solve peacefully the Vietnam problem, the sooner the better. But this must be associated with genuine independence and freedom for the Vietnamese people. And I agreed with Mr. Special Adviser from the outset that we have three channels. And among the three channels, I shared your view that this one is the most important, because it is a

high-level channel and can solve fundamental problems. And, particularly, Mr. Special Adviser is a very close associate of President Nixon.

But, after our previous meeting and today's meeting, the views you have just expounded amazed me. I am particularly astonished by the instructions given by President Nixon to Mr. Special Adviser, and by the remarks just made by Mr. Special Adviser.

Why am I astonished? Because the instructions of President Nixon and the views you have just expressed boil down to the fact that the U.S. presents nothing new. On the contrary, you want the other side to express something newer, and this is to accept the U.S. position.

And what you called a new element in the U.S. position about troop withdrawal, was to go from a 12-months proposal to 16 months, and then to go back to 12 months again.

As to the three principles you presented for settling the South Vietnam political problem, the three principles have presented no change at all from Mr. Nixon's views.

I am astonished by your request that I should say something I have not said publicly, while you only repeat public statements by President Nixon.

As for the three principles, you only repeat them and give some explanations, but there is nothing different.

So the U.S. makes believe that it is flexible, and that it is ready for negotiations with us, but in fact the U.S. wants us to accept its position. I do not agree with you when you say we bring nothing new today.

With regard to troop withdrawal, in our view, the statement made by Mrs. Binh on September 17 at Kleber represents something very new. Previously she asked for six months. Now she proposes nine months. Previously she asked for the immediate withdrawal of U.S. troops. Now she set a time limit of June 30, 1971. This is new, whereas the U.S. sets no time limit for U.S. withdrawals. As I have pointed out, if we stick to the U.S. statement, even in ten years withdrawal is not completed.

Mr. Kissinger: Which statement?

Xuan Thuy: Because you set no time limit. Therefore, in our view, Mrs. Binh's statement is not only new, but it is also very flexible. You criticize that she made the statement in public. But how else can she do this when she cannot meet you?

Mr. Kissinger: She can use her old friend, Mr. Thuy, who has such influence with her.

Xuan Thuy: I told her Americans made statements like this; I did not specifically say Mr. Kissinger. I did not tell her that I met Mr. Kissinger.

Therefore the question is not whether it's a public statement or not, but rather in seeking a settlement we should find the most rational

proposal to base ourselves on. It makes no difference who made the statement, but whether it is flexible and rational.

Mrs. Binh proposed six months, Dr. Kissinger 12 months. Now there is a proposal midway, nine months. Therefore I think it is reasonable and rational. In addition, besides a time period, there is a time limit, which gives an impetus to peace at an early date.

It seems that you wonder which will be the Vietnamese party which will solve the question of Vietnamese forces in South Vietnam. I think this is an easy question. Everybody knows that now the forces opposing the U.S. and Saigon troops are the liberation forces, under the command of the PRG. I said that it is an easy question to solve, meaning now that with an administration other than the present, without Thieu-Ky-Khiem, this question may be easily solved.

With regard to political problems you say we set preconditions. But I say the U.S. sets preconditions, because the U.S. wants the South Vietnamese people to accept the present Administration of Thieu-Ky-Khiem until the organization of free elections. But it is our view that as long as Thieu-Ky-Khiem remain, there cannot be free and democratic elections. So we propose three steps which are more rational.

And when the provisional coalition government is set up, the PRG ceases to exist, and the Saigon Administration ceases to exist also. And I cannot understand how you comprehend this proposal, when you say that in deciding the three components of the provisional coalition government we take all advantage to our side.

The three components show great reasonability. But if you think that all three components in the provisional coalition government are people who favor peace, independence and neutrality and you do not like this, then you are against it.

Mr. Kissinger: The Minister is too intelligent not to have understood me better than that. What I mean is that the Minister is attempting to define who stands for peace, independence, and neutrality, and therefore you give yourselves a veto over those persons whom you don't think are for peace, independence and neutrality as you define them.

Xuan Thuy: Let us consider the two extreme positions. The U.S. would want Thieu-Ky-Khiem to remain in power forever and to follow the U.S. The fighting will continue indefinitely. If we had wishful thinking, being a Socialist country, we would want South Vietnam to be Socialist. Then fighting would go on. So we make a proposal which is reasonable, of peace, independence and neutrality. What do you want then? Do you want Thieu-Ky-Khiem forever, to stay with the U.S.?

So, if now you agree to these three components, we must discuss who will participate in the government. It does not mean that we will decide on our own who will participate in the government.

Therefore, by presenting the three components of the provisional coalition government, favoring peace, independence, and neutrality, public opinion and world opinion believe we are flexible and reasonable. Only Thieu-Ky-Khiem are opposed to the three elements. Now you are the second voice who opposes this proposal.

As for the question of captured military men, I often heard American concern about the security of U.S. troops in South Vietnam, about the fate of the captured men. This is why I interpret the idea of Mrs. Binh's September 17 proposal that she had taken into account U.S. concern about this question.

If now Mr. Special Adviser said this question is not to be discussed here, I am prepared to discard it.

Now I come to sum up, and I come to the following conclusions. President Nixon has had Mr. Special Adviser come here to talk. This shows that President Nixon and Mr. Special Adviser think this problem is important, and want a settlement. And I highly value the presence of Mr. Special Adviser in this channel. But through negotiations, I realize that the U.S. Government, or President Nixon, still want us to act in U.S. terms.

And we still see no sign of President Nixon's taking into consideration the real situation in South Vietnam, and taking into consideration the logical and reasonable proposals made by our side.

The views and the proposals made by Mr. Special Adviser, the further we discuss the more I find them irrational, and the further we discuss the more I find that our proposals are rational and flexible.

By whatever means, by this channel or other means, we must find a way for the South Vietnamese people to have genuine peace and independence. And their political regime should be a neutral regime.

Mr. Kissinger: Mr. Minister, I don't see much purpose in my repeating what I have already said, forcing you to repeat what you have said before. But I would like to summarize my position in two remarks.

First, with respect to the military side of the question, while your explanation of Mme. Binh's position was perhaps excessively optimistic, I believe that the differences between us are sufficiently narrowed, so that if everything else could be settled, we could reach an agreement on this issue.

As for the political solution, I cannot accept your characterization of our proposal. I have said to you that we would work with you to establish a method by which elections could be organized and verified by a group which represents the existing elements in South Vietnam.

That is to say, these political forces are the Saigon Administration, as you call it, the PRG, and whatever political forces will participate in the electoral process. You are well aware that this is a different

formulation from some that have been used previously. I am speaking now of elections, not of other processes of government.

We do not select the membership of the PRG, and you cannot select the membership of the Saigon Administration, but both participate in the organization of elections and neither monopolizes the conduct of elections.

We recognize this is difficult, but we are prepared to discuss it in this framework.

As for the POW's, we are of course prepared to discuss them in this channel, but we wanted to appeal to you on the basis of humanitarianism, not to consider them as hostages for this purpose.

But perhaps we have reached the point where we should adjourn these discussions, and when either side has something to say we know how to get in touch with each other. Of course, the other two channels remain open.

Xuan Thuy: (Nods yes.) I want now to summarize by saying this: we feel that our points of view, our positions are logical and reasonable and flexible. But you do not accept our positions and points of view. Instead you want us to accept the U.S. Government position. But we are not prepared to do this.

It is precisely because of this difference of views that we should discuss together. But since discussion has not brought about an agreement, therefore this channel must be adjourned so that both sides will reflect over the other's statements, and in case either party has something to tell the other party, we shall resume.

(Mr. Kissinger nods yes.)

As to the question of POW's, you said now that this question can be treated here or not. But you say they should be treated in humanitarian ways. But we have said the DRV has said . . .

Mr. Kissinger: No, I asked you to release them in a humanitarian spirit. I make no charge on how you treat them.

Xuan Thuy: I have often said that the government treats them humanely.

I think that we should not repeat the question of POW's. It would take time.

I repeat, we want peace. The Vietnamese people want peace. But not peace in slavery, not peace at any price. South Vietnam must have genuine peace and independence.

Therefore we are determined to achieve these objectives, by negotiations or other means. While we cannot fix a date for a meeting in this channel, I agree with you that we should keep the two other channels open.

Now there is another point, since you came this time publicly. The press may ask you if you met me. And they may ask me the same question. What will you say?

Mr. Kissinger: I have said publicly that I am here to see members of our peace delegation. And no one else. I will not say that I have seen you, and will deny that I have done it if I am asked. I think it is absolutely essential to keep this contact secret if we ever wish to resume it.

(Xuan Thuy nods yes.)

On our delegation, only Ambassador Bruce knows. Our Ambassador to Paris does not know.

Xuan Thuy: If somebody asks me whether Mr. Kissinger has met me during his stay in Paris, I will say that Mr. Kissinger has publicly stated that he saw the peace delegation.

Mr. Kissinger: You had better add that you did not see me. Otherwise it will be an enigmatic statement.

Xuan Thuy: Therefore I will say I have no opportunity to meet him. Our channel shall be kept secret.

Mr. Kissinger: I know how hard it is for your government to believe this. We don't have differences with the principles you said at the end. If you ever wish to say something here which you have not said elsewhere, we will be receptive and sympathetic and not take advantage.

(Xuan Thuy nods yes.)

I would like to express my high personal regards for the Minister and his associates, and hope to see you soon in the U.S.

Xuan Thuy: I would like also to reciprocate this esteem to Mr. Special Adviser. Although no settlement is reached, each time we meet, the meeting is ended with a smile. And I would like also to express thanks to your associates, and particularly the "actor" (Walters as interpreter).

Discovering the Possible, May 1971–September 1971

8. Memorandum of Conversation¹

Paris, May 31, 1971, 10 a.m.–1:30 p.m.

PARTICIPANTS

Xuan Thuy, Chief of North Vietnamese Delegation
Vo Van Sung, North Vietnamese Delegate General in Paris
Phan Hien of North Vietnamese Delegation
North Vietnamese Interpreter
One other North Vietnamese Official

Henry A. Kissinger, Assistant to the President for National Security Affairs
Major General Vernon Walters, Defense Attaché
W. Richard Smyser, NSC Staff
Winston Lord, NSC Staff

Kissinger: It is a great pleasure to see the Minister again.

Xuan Thuy: For me too.

Kissinger: How is Mr. Le Duc Tho?

Xuan Thuy: He is now in Hanoi. He has not come to Paris again since your last meeting. I told him that Mr. Special Adviser wanted to meet with us. Since he is engaged, he asked me when I meet with you to give you his greetings. He said he hoped he would see Mr. Special Adviser again.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 1039, Files for the President, Vietnam Negotiations, C.D., HAK II 1971. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at the North Vietnamese Residence at 11 Rue Darthé. Kissinger reported to Nixon on the meeting in a May 31 memorandum. (Ibid.)

Although skeptical about progress in the negotiations, Nixon approved a new major proposal drafted by Kissinger and his staff to present at this meeting. Nixon later called it “our most far-reaching proposal yet.” (Nixon, *RN*, p. 511) In his memoirs, Kissinger characterized the proposal he presented to the North Vietnamese in these terms: “We offered, as our first point, to set a date for total withdrawal. We gave up the demand for mutual withdrawal, provided Hanoi agreed to end all additional infiltration into the countries of Indochina. The proposal sought to get us off the treadmill of demanding mutual withdrawal while we in fact carried ours out unilaterally: we would, in effect, trade our residual force for an end of infiltration. Theoretically, North Vietnamese forces would wither away if they could not be reinforced.” (Kissinger, *White House Years*, p. 1018) According to Lien-Hang T. Nguyen, Xuan Thuy told Le Duc Tho, who was in Hanoi, that Kissinger’s proposal represented a “major breakthrough” for several reasons, most importantly because the United States no longer insisted on mutual withdrawal of troops from South Vietnam. (Nguyen, *Hanoi’s War*, p. 209) Consequently, Hanoi decided that Le Duc Tho would return to the negotiations after an absence of over a year. (Luu and Nguyen, *Le Duc Tho-Kissinger Negotiations in Paris*, p. 173)

Kissinger: Please give him my warm regards. I want to remind you and him of my invitation to you to visit me in the U.S. when all this is over.

Xuan Thuy: No doubt, when the war is ended, mutual visits will be easier. I hope Mr. Special Adviser will come to our country. I don't know if you have visited Saigon. I hope you will also come to Hanoi.

Kissinger: I have been in Saigon. I hope to visit Hanoi. As I have often told the Minister, I have the greatest respect for the courage and dignity of the Vietnamese people, and for the intelligence of Messrs. Le Duc Tho and Xuan Thuy. I only object to their tenacity.

Xuan Thuy: You are tenacious. Not we. We want an early end to the war. You prolong the withdrawal of troops. We want a prompt withdrawal of troops. You don't.

Kissinger: Before the end of our discussions, the Minister must let me win at least one argument before my self-confidence is destroyed.

Xuan Thuy: I think you win all the time.

Kissinger: That fact is hidden from me.

A technical point. These meetings are known only to the President and Ambassador Bruce on our side. No one else on the American side. The fact of my visits here is known only to the President of France, not to the Foreign Ministry or anyone else.

We are sometimes asked by some of your allies, when you inform them of these meetings. I want you to know we never respond or make known the substance of our conversations.

Xuan Thuy: I understand that we shall maintain the modalities as before.

Kissinger: Exactly.

Xuan Thuy: Sometimes people on your side ask ours questions. Only a few days ago the press and our acquaintances have asked us that they have heard rumors of secret talks between us on the question of POW's. I answered them that our position on POW's is quite clear. No discussion is necessary.

Therefore I understand Mr. Special Adviser's position is that your side will not divulge anything in connection with these meetings. We will do the same.

Kissinger: We won't even divulge the fact of the meeting. We do not tell the French what goes on. We have to tell the French that I am here in order to get the plane in. But we do not tell them the contents. We tell them nothing.

Xuan Thuy: I think that if the Presidency knows, the Ministry of Foreign Affairs does too.

Kissinger: I doubt it.

Xuan Thuy: I am prepared now to listen.

Kissinger: I have a rather brief statement.

Last time we met the Minister closed the meeting by saying, "Each time we meet, the meeting is ended with a smile." However, it is also true that in our previous talks we have made no real progress toward bringing peace to Vietnam.

I am here in order to bring concrete progress as well as smiles, because if there are to be real negotiations to end the war, these negotiations must be now.

We know each other's basic views very well. There is no reason to waste time on general philosophy, on exhortations, on rhetoric or on an analysis of how we see the situation within Vietnam or Indochina.

President Nixon has conducted a personal review of the negotiations. He has carefully looked at your positions and we have looked at our own. The President has sent me here to make one last effort to break the deadlock.

Here is our final proposal for a settlement. There will be no other in this Administration.

First, we are prepared to set a terminal date for the withdrawal of all our forces from South Vietnam. We would, as I have indicated earlier, arrange for roughly the same timetable for the withdrawal of other Allied forces.

Second, the Vietnamese and the other peoples of Indochina should discuss among themselves the manner in which all other outside forces would withdraw from the countries of Indochina.

Third, there should be a ceasefire in place throughout Indochina, to become effective at the time when U.S. withdrawals based on the final agreed timetable begin.

Fourth, as part of the ceasefire, there should be no further infiltration of outside forces into the countries of Indochina.

Fifth, there should be international supervision of the ceasefire and its provisions.

Sixth, both sides should renew their pledge to respect the 1954 and 1962 Geneva Accords, to respect the neutrality, territorial integrity, and independence of Laos and Cambodia. This could be formalized at an international conference.

Seventh, I want to reiterate our proposal for the immediate release of all prisoners of war and innocent civilians held by both sides throughout Indochina. We believe this issue should be settled immediately on a humanitarian basis. If this is not done, the men must be released as an integral part of the settlement we are proposing in our final offer. We would expect:

—Your side would present a complete list of all prisoners held throughout Indochina on the day an agreement is reached.

—The release of the prisoners would begin on the same day as our withdrawals under the agreed timetable.

—The release of prisoners would be completed at least two months before the completion of our final withdrawals.

We are prepared to talk concretely and to make rapid progress. We have framed this offer to respond to your proposals. We expect that you will deal with our final proposals in a constructive spirit.

My presence at these meetings has two implications. I would not be here unless the President were prepared to move rapidly toward a negotiated solution.

Second, there is no sense in these sessions if they are used only for us to tell you what we will do while you will not tell us what you will do. Negotiations must be a two-way street.

Let me emphasize to you that our meeting today is crucial. If you look back over our six previous meetings, you can make many criticisms but you cannot accuse me of having ever misled you.

Since 1968 we have done everything that your side and other countries have told us would lead to genuine negotiations.

Today we have taken a final step toward you. Now, if ever, is the time for us to reach an honorable settlement.

It is for you to decide, of course, whether further battle will bring you additional gains and if such gains would be worth the additional suffering and losses that will surely come. You must judge whether prolonged fighting against those who pose no long-term threat to you might face you with more real dangers later on and jeopardize your long-term future.

We have clearly made our choice. If necessary we are determined to persist. But we strongly prefer a negotiated settlement.

Therefore we propose to start today to end the war and move toward peace. Let both sides refrain from military pressures as we go forward rapidly with negotiations. We propose to you one last time to work rapidly for a peace that will redeem the sacrifices that both sides have made and that will launch the process of reconciliation.

Thank you Mr. Minister.

Xuan Thuy: (To his interpreter.) May I have these seven points repeated?

Mr. Special Adviser, may I ask you a few questions for clarification?

Kissinger: The Minister would not disappoint me by failing to do that.

Xuan Thuy: The first point is that in your seven point proposal you only mention your disposition to set a time limit for the withdrawal

of U.S. and allied forces. You have not yet set a definite date for these withdrawals.

Do you mean by that that this date should be discussed or that such date will be set at some time later?

The second point I would like to raise is that, in our previous sessions, you and we both said that military questions and political questions should be discussed at the same time. Now in your proposal, I have noticed, you have only spoken of military questions, and leave aside the political questions.

May I pose these two questions? If further questions arise, I will pose them later.

Kissinger: With respect to your first question. We will set a date when we know that the basic proposition is acceptable to you. Then, when the date is set, we will discuss the details of all the other points.

With respect to the second question, we believe that the proposal we have made reflects the reality of the current situation.

When U.S. forces are finally withdrawn, the political future of South Vietnam will have to be left to the Vietnamese.

Xuan Thuy: I would like to put a question regarding your second point. I feel that you have now reversed the order of these discussions.

Kissinger: Reversed what order?

Xuan Thuy: At the first stage, you said that the U.S. and the Vietnamese would discuss only military questions. As to political questions, they would be settled by the Vietnamese themselves. Then, at the second stage, we have come to the agreement that military questions and political questions should be discussed at the same time.

But now, at what you say is the final stage, you have separated these questions again and returned to the first stage of our discussions.

That will not settle the problem, because whatever you say the Saigon Administration is one created, set up by the U.S.

Kissinger: Is that a question or a statement?

Xuan Thuy: I am not now stating any views on your proposal. These questions are put to see whether I have well understood your proposal.

Kissinger: We have heard from your side for a year that setting a date would lead to constructive negotiations to end the war. We have told you that we cannot do both. Since we have told you that, once we set a date, what happens after that is not our responsibility.

Therefore we are now accepting your proposal that we set a date. What happens later will have to depend on the political evolution in Vietnam.

Xuan Thuy: I understand now.

It does not mean that you have accepted our proposal. It is that you want to return to your previous position.

Kissinger: It means that we are accepting your proposal to set a date, which you have told us would lead to a settlement of the conflict. It is what I told you when we met in September.

Xuan Thuy: Let me put further questions.

Please, Mr. Special Adviser, what do you mean by saying that the question of POW's should be an integral part of an overall settlement, and on the other hand that the release should be completed two months before troop withdrawals are completed?

Kissinger: I mean that as part of the final offer that I have made, there must be agreement that prisoners will be released. The release of prisoners must be made side by side with withdrawals. The last POW must be released two months before the last American is withdrawn.

Xuan Thuy: I would like to ask the meaning of the last POW's being released two months before the last American is withdrawn. The POW's are a consequence of the war. You are a philosopher. How does philosophy explain that?

Kissinger: Let me make two points:

First, of course, we would release any prisoners which we and our allies hold on the same schedule.

Second, at that point, the number of our forces remaining in Vietnam will be so small that the direction will be self-evident.

Third, if the Minister and I can solve all the other issues, I believe we will not let philosophy block a final settlement.

Xuan Thuy: The philosophy is yours to explain. There must be a reason for everything.

When you give lessons to students in the university, you should give logic, reasons for doing this.

Why the troops making aggression want to be withdrawn very slowly and very late, and the aggressors captured released first?

Kissinger: They'll be released at the same time except for a small group. But I don't think we should waste time on this. It is not an important point.

Xuan Thuy: May I propose now a little break, so that I can review. If I feel something is unclear, I would pose further questions.

Kissinger: The Minister is difficult enough when he has no time to think. I'm not sure I'm serving my own interest.

Xuan Thuy: You have proposed many times that we have a break. Now I do so.

Kissinger: I need it.

(There was a break of about 45 minutes. For 35 minutes Thuy conferred with his colleagues while his interpreter asked for a copy of the English version of the seven points. They were read to him and he

made a verbatim record. During the 10 minute tea and snack break, Mr. Kissinger stated that the U.S. was not a long-term enemy of North Vietnam.)

Xuan Thuy: First of all, I would like to thank Mr. Special Adviser for having presented the seven-point proposal given to you by President Nixon.

You said that this proposal is the final one under the present Administration. There will be no other.

On this point I have no comment to make, because this is up to the Nixon Administration. We have our own point of view.

Now, regarding these seven points, we have just had time to look very perfunctorily at them. Therefore my comments now are based on this perfunctory review of the seven points. What I will say is only preliminary remarks. It does not mean that we have accepted the proposal, or that we do not accept it.

Particularly, there is a point we deem necessary to elaborate our point of view on, so that there may be no misunderstanding on your part.

You have long known that we support the PRG 10 and 8 point proposals. I do not repeat our position. But, through the realities of the situation, since we met the last time in September, we have come to summarizing in three points confirming to the real situation in Vietnam. Since we have not met for a long time . . .

I raised these three points at the 109th session at Kleber Street and later. I repeatedly raised these three points again.

The first point is whether the U.S. accepts the time limit of June 30, 1971 for withdrawal of U.S. and Allied forces. If not, it should propose another reasonable date for this withdrawal for the consideration of the parties. Naturally, such a deadline should be aimed at rapid withdrawal of U.S. forces; it is not for prolonged withdrawal.

The second point is that the U.S. should accept the reasonable and logical proposal of the PRG concerning the formation of an administration in Saigon without Thieu-Ky-Khiem, standing for peace, neutrality, independence, and democracy, and such administration will engage in serious negotiations with the PRG.

The third point is that the U.S. should respect its engagements on complete and unconditional cessation of bombing and acts of war against the DRV, as well as on encroachment on the security of the DRV.

After the 109th session, I kept repeating these three points and I gave more precision, saying that the first point regarding a date for withdrawal is imperative, and should be settled immediately before we go further.

So far the U.S. has not mentioned any definite date for troop withdrawals.

If now the U.S. sets a date, then this will pave the way for a settlement of all other questions rapidly and easily, including the question of the captured military personnel.

I recall these three points to show that the first point is not separate from the other points, to show that military questions should not be separated from political questions.

However, in the seven points you have just presented, I have two remarks to make:

The first point worth noting is that in your presentation you said the U.S. was disposed to set a date for troop withdrawal, but you did not say a definite date, what day, what month, what year. Such a definite date would pave the way for a settlement of all other questions.

So your representation is not quite conforming to what we have been stating.

Kissinger: That, of course, is not my total ambition in life.

Xuan Thuy: Because you said you accepted our proposal, I said you have not.

My second remark is that in our previous private meetings you and I agreed that both military questions and political questions should be discussed at the same time. And now you separate these two kinds of questions.

As I understand, it is always your view that the question of the South Vietnamese Administration should be settled by the South Vietnamese themselves. Theoretically, it is so. But practically, it is known to everyone that the U.S. has set up and backed up the present Administration so far. You kept saying to us that this Administration was formed through elections, and that it has its own political structure.

This affirmation is for diplomatic and propaganda fields, but when we come to a settlement, we should go to the root, to the nature, of the problem. Therefore, if now you return to your original position, saying that you will maintain the present Administration in South Vietnam, and you refuse to discuss the political problems at the same time, then one of the basic problems will not be settled.

Now I would like to speak about the public opinion in South Vietnam. They are talking a great deal about the coming elections.

You have been telling us for some time that you do not want a change in South Vietnam in an official way. Therefore, I would suggest that you should think about the coming election. That is some opportunity, which does not imply unnatural change in South Vietnam. It is an opportunity for you to prove your desire to settle the problems of Vietnam, both military questions and political questions.

Third, you have spoken about the question of prisoners. In my questions, I have to some extent made clear my point of view. You said that we should not waste our time in discussing this question here.

Kissinger: I meant the two-month difference. I said we should not waste time on that point.

Xuan Thuy: So I'll refrain from discussing this question now.

But I should point out that you have launched many campaigns with respect to the question of POW's. You are stepping up such campaigns now. In our view, we think such campaigns may deceive a number of Americans in that they are aimed at deceiving a number of Americans to cover up your real intentions. But as far as the Vietnamese are concerned, the people who are fighting for their independence, these campaigns have no effect at all.

It is our real desire to settle the problem. If a settlement is to be reached, we should go straight to the gist of the problem, and should not use such problems as these for propaganda.

Fourth, you have mentioned Laos and Cambodia. You have mentioned withdrawal from Indochina. We have repeatedly made clear our view on that. We have been stating many times that we respect the sovereignty, neutrality, and territorial integrity of the Kingdom of Cambodia and the Kingdom of Laos. We have been respecting the Geneva Agreements of 1954 and 1962.

For the time being, there are contacts and meetings between the representatives of Prince Souphanouvong and Prince Souvanna. It is our earnest desire to see the Laotians come to a peaceful settlement of their own problems.

Fifth, you said you would not be here if President Nixon had not wanted a rapid settlement of the conflict. It is our assessment, too. We know that Mr. Special Adviser is an important personality in the U.S. Administration. You have to cross the ocean many times to come here. It is evident that the purpose is important. Your position is important. Your work is important.

It is the same for our own government. It is also the earnest desire of our own government to see the problem of Vietnam settled on the basis of respect for the independence and sovereignty of Vietnam.

That is why I myself, as a Minister, and Mr. Le Duc Tho, one of the leaders of our own party, have been sent here. We have come here as people who have the confidence and trust of our government and party and with competence and authority to settle the problem. If it had not been so, then our government would have sent here some other Ambassador, and I would not be here. I have been here for over two years. Since May, 1968.

But the question is how to settle the problem. You said that we should consider whether further military operations should continue, since the U.S. will continue also. And we should consider whether the long-term future of the DRV would be jeopardized.

I have many times told you that the objective for our nation and the Vietnamese people is genuine peace and genuine independence. It is natural that we should follow the path of negotiations to reach genuine peace and independence. But on the contrary if you purposely or deliberately apply your policy of aggression against our country there is no other way left for us but to continue our struggle. This has been proven by history. We are not making aggression against anyone. We are not doing any harm whatsoever to the U.S. In comparison to the U.S. we are a far smaller country. Our might and power are not as great as that of the U.S. There is no reason why we would seek problems with the U.S.

What we want is that neither the U.S. nor any other country make aggression against our country and should leave us alone. The Vietnamese people would be able to engage in the peaceful construction of Vietnam. They would establish peaceful relations with all countries, including the U.S.

It is our hope the day will come when you will invite me and Le Duc Tho to visit the U.S. I hope also the day will come when we could invite you to Hanoi.

We are not afraid of a policy of violence, but we would very much prefer negotiations.

Now I will not relate all the developments since we met last time in September. I will only relate here the developments since October.

Kissinger: You're telling me that you are just skipping one month.

Xuan Thuy: You kept extending the war to Cambodia. You launched a total victory campaign against Cambodia. It has failed. No settlement has been reached in Cambodia.

Kissinger: May I interrupt the Minister. We will get nowhere if we keep repeating history. I didn't repeat history.

Xuan Thuy: No, I would like to speak on which way is better, the policy of violence or the policy of negotiations.

You launched Lam Son 719 into Laos. As a result the U.S. and puppet troops failed. You intended to cut Laos into two parts. Your tactics, your strategy have failed too. You are making a great deal of propaganda about the successful policy of Vietnamization, that as a result of the success of Vietnamization the Saigon Administration can stand alone. But I should say that before the application of the Vietnamization policy this Saigon Administration was there. It was there not because of the success of Vietnamization but because of the presence of U.S. forces.

Now for troop withdrawal. You would withdraw by the air or by the sea. You could withdraw by the airways you control; you have enough. The seaways are under your control because of your great

number of ships. You should have withdrawn all forces rapidly, but you are unwilling to do that. Does that mean that conditions are not ripe for withdrawals, or that you do not have the means for withdrawals? Now many American persons, politicians, military people, affirm that it would take only fifteen days to withdraw U.S. forces.

Kissinger: That's total nonsense. Besides we have an agreement in these meetings that the Minister will not comment on the U.S. domestic situation.

Xuan Thuy: Because you thought we have to follow your intentions and because your own people, Americans, make assessments of the situation in Vietnam, therefore I have to quote them. If they make statements on the Middle East—

Kissinger: The Minister and I have an understanding. We'll take care of our public opinion and you of yours.

Xuan Thuy: We have made such an understanding, but since your public opinion speaks on the situation, therefore we must give an interpretation.

Kissinger: All right, but I won't listen to it at these meetings.

Xuan Thuy: So now I say that it is our earnest desire to have serious negotiations. I suppose you too have an earnest desire for serious negotiations. Therefore I have analyzed which is the better way, the policy of violence or of negotiations. We are reluctant to follow the policy of violence. If you follow the policy of violence, I don't think you will obtain the results you think. Therefore it is better to have serious negotiations.

Such are our preliminary remarks after hearing your opening statement and seven points and concluding paragraphs. But it is natural that to comprehensively understand these proposals they will need further study.

Kissinger: Naturally.

Xuan Thuy: So the only suggestion I have is that: of these seven points, are there any points that we should pay particular attention to? If so, let me know.

Secondly, is there any point we have not clearly understood and on which you want to give a fuller explanation?

Kissinger: Let me ask some questions. The Minister pointed out that if a date was set this could pave the way for solution of other problems rapidly and easily. Is that correct?

Xuan Thuy: Right.

Kissinger: Am I to understand that the DRV is prepared to release prisoners if we set a date?

Xuan Thuy: First I should say that I have pointed out three points at the 109th session at Kleber Street and subsequent sessions. I stress, lay emphasis on the first point.

Secondly, the date you would set should be a reasonable one for rapid withdrawal of U.S. forces. It should not be a date just for a date's sake, or very far away.

Kissinger: I understand.

Xuan Thuy: And if such a date is set then it would open the way for a settlement of all other questions including the question of captured military personnel.

Kissinger: I have heard this. But what I want to know is what does "open the way" mean? Will the prisoners be released if we set a date?

Xuan Thuy: I said already that if a date is set then all other questions will be settled, including captured personnel.

Kissinger: Can I put down "yes" in my notes?

Xuan Thuy: All other questions, including the question of captured military men, will be settled. You have not set a date, you have not given a specific date, and you can not expect a specific answer.

Kissinger: I don't want a specific answer. You can make the answer conditional. If a date is fixed, mutually agreed, will the prisoners be released? Or will the Minister begin to speak of prisoners? We have too much experience on that.

Xuan Thuy: We have a precedent with the French in the past. After the signing of the Geneva Agreement all French prisoners of war were released immediately.

So on this question now we have shown more flexibility. We have said that once the date is set after that discussions will begin on the question of release. When we say discussions on release that means coming to release. You have apprehensions about discussions but there will be no discussion without setting a date. And there can be no settlement without discussion.

Kissinger: I had an experience with Mr. Sung's predecessor, Mai Van Bo, in 1967. We were told that if we stopped the bombing there would be constructive negotiations. Four years later we have stopped the bombing and this hasn't led to constructive negotiations.

I tell you categorically that we will not set a date without assurance that this will lead to the release of prisoners of war. We would not set a date. This is not subject to negotiations. We will not set a date in exchange for discussions.

Let me now be concrete about our proposal. We must be realistic. The Minister is skillful enough to keep this discussion going for the next six years if he wants to. You have told me that if we set a date it would lead rapidly and easily to solution of all other problems. This is the purpose of our final offer. If you tell us that the basic offer is acceptable, i.e., that all other points I have mentioned, including the release of prisoners, are agreed, I will then give you a date. You will

of course have your own idea about that date. Once we agree the other measures will be worked out in complete detail. And we believe that with good will on both sides this can be done rapidly.

Now let me say a realistic word about political questions. I am of course familiar with the three points that the Minister made at the 109th session. But we are talking now about reality. I told the Minister at our first meeting nearly two years ago that the longer the war goes on the more difficult it is for the U.S. to influence the situation in Saigon. If the war goes on another two years it will be more difficult still. This is why we say that this is our last opportunity for you and us to have a serious negotiation.

The Minister has pointed out that there will be elections in South Vietnam this year. Of course I will not presume to lecture the Minister about the political situation in Vietnam. I want to make two assertions to the Minister. First, the U.S. will not interfere in the political process of the elections. Secondly, if you and we could settle military issues during the summer then the people of South Vietnam could make their decisions with full knowledge of what the military situation will be over the years ahead. They will then know the degree of American military presence which they will have in the future and can therefore make their decisions accordingly. This is another reason why we should settle the issues rapidly.

We will listen if you have another political proposal, a political proposal other than the one you have made. But we believe the realistic situation is best described as I have done, and therefore our final offer has an indirect impact on the political situation as well. That is for you to decide.

I want to remind the Minister one more time of what I have said on several previous occasions. We have no interest in tricking you. First, we have too much respect for your intelligence to think we are able to do so. Secondly, we want an agreement that will last and not one that will break down in a year or two.

I suspect we have gone as far today as we can go. I would like to ask the Minister how he proposes we continue now.

Xuan Thuy: May I have some comments on what you just said? What you just said seems to me to say that if the war is prolonged it is due to us. It appears that the prolongation of the Paris talks is due to us too.

Kissinger: It is fruitless to discuss this.

Xuan Thuy: You see we demanded a complete and unconditional cessation of bombing to begin the four-party talks. You have violated such an engagement. As for us we have continued the four-party talks. And the three parties were ready in Paris in November; only the Saigon Administration was absent.

Kissinger: You are serious and we are serious. I don't doubt we have different perceptions; if not, we wouldn't be at the impasse we are at now. We must do something about the future or remain prisoners of the past.

Xuan Thuy: It is not my intent to review the past, but since you mentioned it, I have to refer to it.

Through your statement, I see you want to separate the military questions from the political questions. You want only to raise the questions of prisoners and military questions. But whatever statement you make you say you should comply with the realistic situation. But there is one reality you don't want to comply with, that is, that you want to interfere in the existing Saigon Administration. We and you should do all we can to do our best to come to the end of the war in all fields. Now we have agreed we should further examine your proposals.

Kissinger: Naturally.

Xuan Thuy: We have to meet again.

Kissinger: Should we set a date now, or get in touch? How much time do you think you need to prepare a response?

Xuan Thuy: It will take a few weeks. I have to look into my program too. Should it be on a Sunday?

Kissinger: Sunday is easiest for me because I can be away from Washington without too many people knowing. In two or three weeks? That would be the 13th or 20th of June.

Xuan Thuy: (After discussing with his colleagues.) We are engaged the coming three weeks. How about June 27th?

Kissinger: That would be very hard for me. After the 20th it is very hard for me until mid-July. June 20th is impossible for you?

Xuan Thuy: I will be engaged.

Kissinger: Or June 21 if necessary.

Xuan Thuy: I have to set my program. I propose we get in contact later.

Kissinger: Is the 27th possible for you? It is impossible for me.

Xuan Thuy: In early July?

Kissinger: I won't know.

Xuan Thuy: We shall get in contact later.

Kissinger: Let me explain the technical side to you. It is very hard for me to come secretly. The next time I propose to go on an official trip to London and come over here from London. To do that I must know about two to three weeks ahead of time to make plausible my trip. A sudden trip to London will raise suspicions and discussions.

There is one other technical difficulty—there is no reason to bother you with these, but just so you know my problem. I have a tentative

plan to be the official representative to the inauguration of the President of Korea for July 1. If I do that I am in that area for 10 days. If so, I couldn't be here until mid-July. I say this only to indicate that I am not playing games with you. You should get in touch with General Walters.

Xuan Thuy: Before you go to Korea, can you come here?

Kissinger: I can come June 20th. I know this is difficult for you. I could come on the 21st or if necessary on the 19th.

Xuan Thuy: These few days are very difficult. But you should be in Korea on what date?

Kissinger: July 1.

Xuan Thuy: Can you come before then?

Kissinger: Tell me what dates are possible for you.

Xuan Thuy: The 27th or 28th.

Kissinger: If I go, I know I must leave on the 26th. Therefore it must be before the 26th.

Xuan Thuy: The 26th?

Kissinger: The 25th at the latest.

Xuan Thuy: So you can come on the 25th?

Kissinger: What is the earliest date that you can—I hate to do this—I would like to be cooperative.

Xuan Thuy: For me the best is the 27th. Since we are discussing the 25th, I should review my program.

Kissinger: The 24th is a meeting date (plenary). Is the 23rd impossible?

Xuan Thuy: I shall see.

Kissinger: Let us say either the 23rd or the 25th.

Xuan Thuy: Either the 23rd or the 25th.

Kissinger: The 23rd is much better for me. That I can make definitely.

Xuan Thuy: And the 25th?

Kissinger: I will try very hard.

Xuan Thuy: I will choose which of the two days and inform General Walters.

Kissinger: May I suggest one other thing in the interval. I am certain this will be considered very seriously by your government. Let me propose that both sides avoid inflammatory actions during the interval. I am not asking for assurances. I am just suggesting in order to create a useful atmosphere.

Secondly, of course, if you reject this proposal, there will be no concrete problems. But if in general this is agreeable, if in general this has possibilities, then I would recommend that both sides be prepared

to talk concretely on all points and any other points they want to discuss, and also to establish a concrete work program.

I only want to repeat one thing. In our judgment the best possible way to have political impact is to have a military solution this year.

If I can say one other personal thing, one other point. The last time between our first and second meeting your colleague Madame Binh made a public statement. While this has good propaganda purpose, it makes it difficult for serious negotiations because it forces us to make a public reply.

I have trouble enough with my colleagues to try and tell you how to deal with yours.

Xuan Thuy: In connection with your first point.

Kissinger: What's my first point?

Xuan Thuy: With regard to taking inflammatory actions. I would like to express my hope and desire to observe this. It depends mostly on the NLF-PRG. I will convey this to them.

Kissinger: I understand. It is a suggestion, not a proposition.

Xuan Thuy: As to your second point. In case your proposal is accepted in general, then next time we should be prepared to discuss all concrete questions. Naturally, we must study first.

Kissinger: Do you think we need more than one day?

Xuan Thuy: Let me study first.

Kissinger: You can tell General Walters concerning the meeting time. It is very difficult to arrange.

Xuan Thuy: As to Madame Binh's statement, she has her right to make a statement. She is very prepared to meet Mr. Special Adviser, but you refuse to meet her.

Kissinger: I will ruin her reputation.

(Mr. Vy talked to Xuan Thuy.)

Xuan Thuy: I would propose also that you should examine our preliminary remarks.

Kissinger: We will do so very carefully, you can be very certain. Very sure.

Is there any possibility that my colleague, Special Adviser Le Duc Tho, will attend these meetings in the future?

Xuan Thuy: I don't know yet. As for myself, if I return to Hanoi, people would like to retain me there.

Kissinger: That's why you must stay here.

Xuan Thuy: So, like you, it is difficult to make trips. It is the same for me also.

(Farewells all around.)

9. Memorandum of Conversation¹

Paris, June 26, 1971, 10:45 a.m.–3:05 p.m.

PARTICIPANTS

Le Duc Tho, Adviser to the North Vietnamese Delegation
 Xuan Thuy, Chief of North Vietnamese Delegation
 Vo Van Sung, North Vietnamese Delegate General in Paris
 Phan Hien of North Vietnamese Delegation
 North Vietnamese Interpreter
 Two other North Vietnamese Officials

Henry A. Kissinger, Assistant to the President for National Security Affairs
 Major General Vernon Walters, Defense Attaché
 W. Richard Smyser, NSC Staff
 Winston Lord, NSC Staff

Kissinger: I am sorry about the delay. We were held up in landing because the President of France was leaving at the same airport at which we arrived and there was a twenty-minute delay.

My presence here is known among Americans only to the President and to Ambassador Bruce in Paris. In France, it is known only to President Pompidou. I am in Britain for an official visit. They think I am in the countryside visiting friends for the day.

It is a great pleasure to see you again, Mr. Minister and to see my old friend, Mr. Special Adviser Le Duc Tho in Paris. I hope the fact that we are sitting at a table is a good omen.

Xuan Thuy: On our part, all the people present here are known to you.

We have studied your Seven Point Program. I have also informed Mr. Le Duc Tho of our exchange of views last time.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 1039, Files for the President, Vietnam Negotiations, HAK II 1971. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at the North Vietnamese Residence at 11 Rue Darthé. In the list of participants, Nguyen Minh Vy's name was crossed out and Phan Hien's inserted in its place. Kissinger summarized the meeting in a June 27 memorandum to the President. (Ibid., Box 853, For the President's Files—Lord, Vietnam Negotiations, Camp David, Vol. VIII)

Kissinger later related what he believed significant about this meeting. "In the fairy-tale atmosphere of Vietnam negotiations," he wrote, "after two years of Communist stonewalling and domestic flagellation, my colleagues and I were elated that Hanoi had for the first time responded to a proposition by us, even though the response could hardly be called generous. It was a major step forward only by the standards of previous exchanges. For the first time Hanoi presented its ideas as a negotiating document and not as a set of peremptory demands." (Kissinger, *White House Years*, p. 1023)

Before expressing our views on the Seven Point Program that the Special Adviser explained on behalf of President Nixon on May 31st, 1971, I would like to ask some questions for clarification.

I am sure that Mr. Special Adviser is always prepared to answer my questions.

Kissinger: Someday when I am alone with the Special Adviser I will ask him to send a less tenacious negotiator.

Le Duc Tho: I think rather that I should send a more tenacious negotiator.

Xuan Thuy: I remember that in our previous meeting on March 16, 1970, the Special Adviser agreed that we should discuss military and political questions at the same time. But at the last meeting you did not mention political problems.

Therefore my question is, in what context shall we discuss political problems?

My second question, is that in your Seven Points, you mentioned about Vietnam but also about Indochina. Therefore it is not clear to me whether your intention is to discuss Vietnam or the whole of Indochina. If Indochina, it is also not clear how we should discuss it. You said that the Indochinese people should discuss the question of troop withdrawals. You also spoke of a ceasefire throughout Indochina.

Therefore, how should we discuss military and political questions regarding Indochina?

My third question is that in our meeting of August 4, 1969, Mr. Special Adviser raised the question of the neutrality of South Vietnam. You said the U.S. would agree to the neutrality of South Vietnam, but it was not then the time to discuss this. And now in your Seven Point Program you mention the neutrality of Laos and Cambodia, but you did not mention anything about the neutrality of South Vietnam. Therefore how should the question of neutrality be discussed?

My fourth question is that Mr. Special Adviser said that the United States would name the date for the withdrawal of U.S. and allied forces if our side agreed to settle the question of prisoners. At another point of your Seven Point Program you said the question of prisoners should be settled as part of the overall solution in the Seven Point Program.

I hope that you will give the answers to these questions.

Kissinger: Mr. Minister, these questions are asked with your usual perspicacity. Let me take them out of order.

Let me begin first with the last question, the issue of prisoners. Our view with how to proceed with fixing the date is as follows: if you agree in principle with these proposals, that is all seven points, then we will give you the date and then of course we can discuss the

date. The date concerns not only the prisoners, but the other five points also.

We understand, of course, that your agreement is conditional, and requires that the date is mutually acceptable.

Is that clear?

Xuan Thuy: That means the date is related to the whole Seven Points.

Kissinger: That is correct.

Xuan Thuy: I understand.

Kissinger: Now let me go to the second question of how we should discuss Indochina problems. We believe that there should be a ceasefire throughout Indochina, meaning of course cessation of all military activities by our side as well as your side throughout Indochina. This cessation of military activity of course also includes air activity on our side, except for reconnaissance.

We believe that there are three different problems with respect to Indochina:

The first is the ceasefire.

The second is the relationship between the political elements in each country.

The third is the international status of each country.

With respect to the ceasefire, we believe it should be discussed in the first instance between you and us, and that we should then recommend it to each of our allies in each of the three countries.

With respect to the political structure in each country, we believe it should be discussed by the parties concerned in each country.

With respect to the international status of each country, we are prepared to recognize and affirm the neutrality of each country, and that this can be established at an international conference.

But let me say that with respect to how to guarantee the neutrality of these countries, we are prepared to listen to your counterproposal.

With respect to the international status of South Vietnam: as I pointed out to the Minister on August 4, we have no interest in maintaining a military alliance with South Vietnam. And we are prepared to discuss the nature of the military relationship as part of the general problem of withdrawing our forces.

Now I have left to last the most difficult problem: this is the political future of South Vietnam.

We are not children. We recognize that this is the issue which in many respects is most on your mind.

The problem, as it appears to us, is as follows. If we do not come to an agreement on the basis of these Seven Points, we will continue

our present program of gradual withdrawal and gradual turning over of responsibilities to the South Vietnamese. I know that you do not believe that this will succeed, and I am not here to debate that point. The practical consequence will be that at some point we will lose the ability to influence the situation in South Vietnam, no matter whether we succeed or fail.

We have told you at many meetings that we are prepared to permit the political evolution of South Vietnam that reflects the political realities in South Vietnam. We are prepared to set a withdrawal date for our forces in order to speed the day at which this political evolution can be left to the South Vietnamese.

We believe this is the most realistic way of affecting the political process in South Vietnam, as the Minister also hinted in our last meeting in one comment he made about the elections this year in South Vietnam.

I know that the people of Vietnam have not maintained their independence during 2000 years by developing qualities of excess of confidence in foreigners. But I believe that the Minister and the Special Adviser are sufficiently acute students of the American scene to know that when we withdraw our forces it will not be in order to return to overturn the consequences.

These are the answers I have for the Minister's questions.

Xuan Thuy: Your answer regarding the political future of South Vietnam—I'm still unclear on this point. You said that you are prepared to fix a date to hasten the process of the determination of the future of South Vietnam through the South Vietnamese. When you mention the date, is that the date of a troop withdrawal or of elections in South Vietnam?

Kissinger: This is what I meant. There will be various stages. When you and we agree on a date for the withdrawal of U.S. forces, that in itself will create a new political reality in South Vietnam. When our forces are withdrawn, another new reality is created. From that day on the political future of South Vietnam will be essentially in the hands of the South Vietnamese.

Expressing a personal opinion, if we were to agree this summer on a program such as we have outlined, it may perhaps even have an influence on the South Vietnamese elections. But you are a better judge of this than we.

I'm trying to follow the instructions I received last year from Special Adviser Le Duc Tho about studying objective realities.

Le Duc Tho: These are not so objective.

Kissinger: Am I making any progress?

Le Duc Tho: Not an inch forward.

Kissinger: I have a very difficult professor.

Xuan Thuy: It is still unclear to me as to what you have said about the international status of South Vietnam in the framework of an overall settlement. You avoid speaking about the neutrality of South Vietnam. Is this lack related to the three points of Nguyen Van Thieu, who is opposed to Communism, neutrality, and coalition?

Kissinger: No, we are prepared to discuss an agreed international status for South Vietnam.

Xuan Thuy: So it is true that this point is not mentioned in your Seven Point Program, but in the process of discussing these Seven Points we shall take up this question.

Kissinger: That is correct.

Xuan Thuy: I have another question.

The last time Mr. Special Adviser said the U.S. would fix a date for troop withdrawal when it knew about the release of POW's, but would not fix a date if it is not clear about prisoners. But from the answer today I understand that even if the U.S. gets the prisoners you would still not fix a date because a date still depends on your other points.

Kissinger: I made clear last time that the Seven Points are a package. One of these points is prisoners. Our proposal is that the withdrawal of prisoners occur simultaneously with the withdrawal of forces. Therefore in explaining point 7 to the Minister, I wanted to make clear that prisoners should be released, not just a discussion of this question. There must be agreement on their release, not just on discussion of it.

Let me make one explanation of the Seven Points: If you read them carefully, you will see that they are not all of the same character.

Point one fixes an obligation for us to give a date for the total withdrawal of all our forces.

Point two is really taken from your own program, namely that the disposition of other forces should be discussed among the peoples.

Point three requires a ceasefire.

Points four and five are really expositions of point three.

Point six establishes the principle of the neutrality of the Indochinese states and has been part of your program.

Point seven involves the release of POW's, and I have explained our thinking about this before.

So the essential principles are the withdrawal date, the ceasefire, neutrality, and the return of POW's.

Xuan Thuy: So, will you fix the date for your troop withdrawal if you know about the release of POW's?

Kissinger: If you agree that there shall be agreement on ceasefire, release of POW's, and a general agreement on neutrality, which you have already agreed to, we shall fix a date for withdrawal.

Xuan Thuy: What do you mean by international conference to guarantee the neutrality of the Indochinese states? Do you mean that the Paris conference will be extended to include Laos and Cambodia or do you mean another international conference?

Kissinger: I would like to point out to the Minister that he started out by posing four questions.

Xuan Thuy: These questions are in supplement to my four principal questions. I do not go out of the framework of the four questions. In the course of discussion I may develop them.

Kissinger: I regret to say that they are very good questions.

Mr. Minister, we are open minded on this point. We proposed on October 7 a Geneva-type conference like 1954. However, we are willing to listen to other proposals on this.

We are prepared to do it either way, within the framework of other countries or by extending the present conference. On this we are concerned with the practical solution, rather than with a particular formality. We have not discussed this proposal with other potential participants in an international conference.

Xuan Thuy: Since you have limited the number of my questions to four, I will stop here. But since Special Adviser Le Duc Tho just came, I will give the floor to him.

If I have other questions, they will be within the framework of my four questions.

Kissinger: I'm sure that is a very flexible framework.

One good result of our previous discussion is that you have succeeded in inviting Special Adviser Le Duc Tho to be present here.

Xuan Thuy: I am glad too to have him here.

Le Duc Tho: After my coming here, I have read the minutes of the meetings between Xuan Thuy and the Special Adviser on May 31. Today I have just heard your answers to the questions put by Minister Xuan Thuy. Therefore I think it is clear to me about your intention.

But it is not yet completely clear. Because there are still many things which are still unclear. In spite of your answers, there are still points which are not concrete.

May I say a few words?

Kissinger: I would be very grateful.

Le Duc Tho: This is the seventh time you are meeting with us.

Kissinger: Actually it is the eighth.

Le Duc Tho: We have reviewed the past meetings to draw conclusions about them. To see whether we have some hopes of settlement at this time.

The first time we met was in August of 1969. And in September you launched military operations against the Plain of Jars. The second

meeting was between Minister Xuan Thuy and you in February 1970. This series of meetings included three meetings. And if you read the minutes again you would agree that at that time we were advancing towards substantive negotiations.

Kissinger: I agree.

Le Duc Tho: But you carried out the coup in Cambodia. You launched operations in Cambodia. As a result our talks were interrupted.

Kissinger: May I make one point, Mr. Special Adviser.

It really is important we understand each other on some historical points.

I agree with the Special Adviser that we were making progress in the spring of 1970. I can assure the Special Adviser, as I did then, although I know he does not believe me, that we had absolutely nothing to do with the overthrow of Prince Sihanouk.

Le Duc Tho: (laughs)

Kissinger: I know you do not believe it, but it's important for you to understand. It was an event that occurred within Cambodia that has cost both of us another one and a half years of conflict and suffering.

It is irrelevant now.

Le Duc Tho: I temporarily believe that you had nothing to do with the coup in Phnom Penh.

By the end of April 1970, you and the Saigon puppet sent up to one hundred thousand troops for the invasion of Cambodia. As a result of this, we opposed you. Not only us, but the people of the United States and of the world were opposed to these operations. And the authors were the U.S. and the Saigon puppets.

Kissinger: But the point I wanted to make, for the future not for the past, is this: I told Mr. Special Adviser and the Minister in April 1970 that we were prepared to guarantee the neutrality of Cambodia. You said that your concept of neutrality was different from ours. I believe if we had then taken the opportunity, we would have found a solution and would have avoided another year of war.

Le Duc Tho: I have not forgotten that at that time Minister Xuan Thuy and I were talking with you. In our minds, we were making progress at that time. I believe that if we had continued those talks we would have made progress. I no longer accuse you of the coup in Cambodia, because you do not admit it.

Kissinger: It is not true.

Le Duc Tho: I don't accuse but facts are facts. You launched military operations. How can we solve problems when there are military operations?

You say we should not talk of the past. But since you raised it, I must discuss it.

Minister Xuan Thuy met you again in September 1970. It was the third series. But in November you launched large-scale air attacks over North Vietnam, unprecedented since the cessation of bombing, and you sent commando troops to attack a place near Hanoi.

Early in 1971 we met once again. We did not meet, but we talked through Ambassador Dobrynin in the U.S. You proposed to Ambassador Dobrynin that we should meet. You made a number of proposals. We gave the answer through Ambassador Dobrynin that we agreed to meet you and that the problems you raised should be discussed at a forthcoming meeting. The meetings had not taken place, but in February you launched large-scale operations against Southern Laos, in Lam Son 719.

So I think each time we met you, with the intention of settling the problem, immediately afterwards either you launch military attacks against us or you use force against us.

Kissinger: May I tell the Special Adviser a factual thing.

I made certain suggestions to the Soviet Ambassador on January 9. I received the reply of the Soviet Ambassador only on February 23. And I was only told that you were in principle willing to meet but not what you were willing to discuss. That was over two weeks after the operations in Laos had started.

Le Duc Tho: We do not know the answer given to you by Ambassador Dobrynin, but we gave our reply before the operation in Laos. And we said that we shall discuss the proposal you wanted to make at the next meeting.

But I think that even if we had met before the operation, it would have taken place all the same.

Kissinger: I am not sure.

Le Duc Tho: The preparations for such large-scale operations cannot be made overnight. According to information available to us, Secretary Laird went to South Vietnam to discuss with Thieu the operation.

Kissinger: I don't think it is appropriate for me to comment on this, except perhaps to draw the conclusion that we should not use intermediaries but should deal directly with each other.

Le Duc Tho: As far as we are concerned, we always have direct contact with you. But you first used an intermediary, Ambassador Dobrynin, so we had to give a reply through the Soviet Union. You used an intermediary, not we.

Kissinger: This proves that even a Harvard professor is not right 100 per cent of the time.

Le Duc Tho: This is the first time I hear you admit such a thing.

The reason I recall these past events is to show the experience we have.

I wonder what will follow our meetings this time. What do you intend to do? I wonder whether you are willing to settle the problems now? What are you up to?

Being an oppressed people, the victims of aggression, we fully understand imperialism. Over the past twenty-five years, we had the fate of having twice to cope with the U.S., and to sign agreements. Therefore we understand the U.S.

The articles published in the American papers on the documents of the Pentagon have revealed only part of the truth. We also understood Mr. Nixon when we fought the French. We understood Mr. Nixon came to Indochina, advocated sending troops to save the French, and advocated the use of nuclear weapons at Dienbienphu. Over the past two years, when Mr. Nixon succeeded to the White House, we have all the more clearly and deeply understood the Nixon Doctrine.

Since Mr. Nixon came to the White House, he has been talking a great deal about peace, but actually he has been making war with a very vicious strategy. Now you are talking once again on behalf of President Nixon and you tell me you are willing to negotiate, and not deceive us.

But from past experience we wonder whether you are really ready to settle the problem this time or if you want to continue the war. This is the point we are still worried about and still have doubt. Through your propaganda, it is not yet clear to us that you are willing to negotiate. Because your approach to the settlement of the Vietnam war is not yet correct.

The first thing and the important thing is that you want to separate the military question from the political problems, and you do not want to settle the political problems. But this is not a realistic proposal, a practical proposal. How can we dissociate the military problems from the political problems?

And, as Minister Xuan Thuy has just recalled, when we first met in 1970 you agreed with us that we should discuss the military and political problems at the same time.

There is no war without political goals. Military operations aim to achieve political goals. Military means are the only instruments to reach political ends.

We cannot settle problems if we separate the military questions from the political ones. If now our struggle is only a military struggle, without resolving the political issue, that is genuine independence, freedom, and democracy, then the war will continue.

You propose that we settle the military questions and we have a ceasefire without settling anything about political problems. The aim in our view is to buy time to consolidate the puppet Administration. You still want the puppet Administration to continue the implementation of your policy of Vietnamization, using Vietnamese to combat Vietnamese, Indochinese to combat Indochinese so as to implement your neo-colonialist policy.

You want to use your proposal regarding military questions to make pressure. You want to use your proposal regarding military questions to bargain with us on political problems.

Moreover, you said that your Seven Point Proposal is the final one. So if it is a final proposal, it is an ultimatum. So you want to compel us to accept these seven points, and there is no other proposal. I think that if it is real negotiations, then it should not be a final proposal.

Therefore with this proposal, how can we really believe that you are really negotiating?

I have been telling you that we should look at the realities. But I must say that you have not seen the realities objectively.

I don't want to refer to the realistic situation on the battlefield, but I feel obligated to say a few words about this. The past twelve years of the war in South Vietnam has convinced you that it is a mistake. Moreover you have been saying that you want "no more Vietnams." I think that no mistake can come to success, to victory.

But I believe that Mr. Nixon has not clearly seen this reality. He still wants to continue his policy, his doctrine, that is his policy of Vietnamization. But the reality of the battlefield during the last year shows that the policy of Vietnamization will certainly fail. No doubt you feel that our views differ on this point. It is your right.

In implementing your policy of Vietnamization you want to use the Saigon puppet troops as main forces to launch many operations in 1970 and 1971. You have given a great deal of equipment to the Saigon puppet troops. But the spinal cord of the policy of Vietnamization, that is the puppet troops, have been defeated during the last year. This is the test of the Vietnamization policy.

You have launched also many pacification campaigns aimed at destroying the Viet Cong bases, structures. But this has gone on over the past twelve years since the days of Diem, the bloody dictator who set up so many strategic Hamlets carried out throughout South Vietnam; he did not suppress the structures and bases. And now Thieu, backed up by you, has also carried out many pacification campaigns, but he didn't succeed.

I think that in this term of President Nixon, even if he is reelected once again, he will not succeed in carrying out his policy. I think that

time is not on your side. And I think you should not continue your policy of Vietnamization of the war; you should look to reality and begin genuine negotiations so as to peacefully settle the Vietnam problem. This is the only concrete way. We know how to look to reality. We know how to look to the balance of forces on the battlefield so as to settle the problem in a realistic way.

We have on many occasions told you that you are a great country. You say that you should not lose prestige. I frankly tell you that we want to seek a political settlement too of the South Vietnam problem. As a result we have been talking to you for over two years now.

The war is now going on throughout Indochina. Our aim, our policy, is to come to a peaceful settlement of the problems of this area.

We want South Vietnam, Laos and Cambodia to become an area really independent, neutral and nonaligned. You must understand this.

South Vietnam cannot be turned into a neo-colonialist country. South Vietnam is not yet a socialist country. South Vietnam must be really independent and neutral. South Vietnam must have a government really reflecting national concerns, including various parties. This is something factual, real.

No party should coerce any other. There must be a really independent and democratic administration, standing for peace. That administration will enter into genuine talks with the PRG. To enter talks with the PRG, to settle all problems, to restore the peace of South Vietnam—that is the imperative demand of various strata of the South Vietnamese population.

If you do not listen to this demand of the South Vietnamese people and you persist in maintaining Thieu-Ky-Khiem, then it would be difficult to come to a settlement.

You keep saying that you do not interfere in the political administration of South Vietnam, that you will not intervene in the political process. This is understandable. But these meetings are real negotiations. We should face the facts.

With regard to Laos and Cambodia, we respect the 1954 and 1962 Geneva Agreements on Laos. We never violate the sovereignty, the neutrality, and the independence of Laos and Cambodia. We shall continue our part to settle the problem of Laos and Cambodia. We shall discuss with our Laotian and Cambodian friends. Only by such a way can we come to a peaceful lasting settlement in this area.

In the negotiations to settle the problems of this area, we should associate the political and military problems. In each country, not only the military questions should be settled but also the political questions.

When this overall settlement is reached, then we can observe a ceasefire. And then we will have international supervision and interna-

tional guarantee. In the first instance, the problems must be settled between us, you and we.

This is a statement in general terms, an overall view. Further explanation of this will be given by the Minister Xuan Thuy.

What we want is a radical settlement of the problem. Not just a settlement of the political problem of the war, but also a long-term settlement between you and ourselves.

If we really enter into genuine talks, you should seriously study our views, and we will do the same with yours. We want a real negotiation. We should look into the realities and come to a logical settlement, a reasonable settlement.

If you persist in pursuing a policy war, I think that with the experience of the past few years of war you can visualize the prospects. Do you want to settle the war or do you want to extend the war? If the war continues, it will abide by the laws of war. Only with the desire to settle the war, can war be ended. I think peace will be in the interest of you and us. After so many years of war it is our desire to have peace and to rebuild our country. We also, after the restoration of peace, want to establish relations with you. We want to establish new relations in many fields of interest. But if you continue the war, we have no other way but to continue our fight.

This is not a test for us now. The past twelve years have shown you this test. We know that war brings about losses, but we have no other way. There is nothing more precious for us than independence and freedom.

These are a few words that I wish to express.

Kissinger: Did I understand you to say that the Minister will follow your eloquent remarks with specific proposals or something else?

Xuan Thuy: I propose this. Now we should have a little break and when we resume Mr. Special Adviser shall express his views, if any, on the words of Special Adviser Le Duc Tho. And then I shall make my statement.

Kissinger: Objective reality forces this break.

At this point there was a break lasting about forty-five minutes, during which refreshments were served. Le Duc Tho remained downstairs during the break, engaging in relaxed and pleasant conversation. He sometimes spoke French, but otherwise through an interpreter. Xuan Thuy remained upstairs working on his statement. After the break, the discussion resumed.

Kissinger: Mr. Special Adviser, I found your remarks very eloquent and very important. I would just like to make a few observations.

You began by saying that our previous meetings have always been followed by military actions. I do not think that any purpose is served

by reviewing history, but it may be important for you and your colleagues to understand how the same situations look to us.

For example, when we met in February, March and April of 1970, at the same time there was significant North Vietnamese military activity in Laos. Whenever I returned to Washington, I was told that the North Vietnamese were only using these talks in order to gain time to do what they wanted to do militarily.

And the same was true last winter, when I chose perhaps an inadequate method of communicating some thoughts to you. And then it—the delay—was interpreted in Washington as a desire to obtain a military advantage.

So there is a fact that both sides tend to think that the other one is trying to take military advantage and is trying to bring military pressure. Now this problem becomes more difficult in view of the completely different style with which you and we approach negotiations. You have a very principled approach, and therefore you always reason from general principles and you give ground, if at all, only after long intervals of time.

So our people think that you are not negotiating at all. Because we are very practical and we like to talk about very concrete things.

Le Duc Tho: But recently your points are not concrete at all. Minister Xuan Thuy refers to a date. But you give no specific date. You're not specific; let you be specific now.

Kissinger: Special Adviser Le Duc Tho's definition of concreteness is to agree with Hanoi's proposals.

Le Duc Tho: Minister Xuan Thuy has been proposing that you should fix a specific date for consideration.

Kissinger: I have only one request of Mr. Special Adviser Le Duc Tho—that he should let me win in one argument, if our negotiations go on for years, so that I may tell my children that I have won one.

Simply for information, and not to win an argument, I must tell you that every time I return from our meetings here I must justify to my colleagues, primarily the President, what has been accomplished. I agree with the Special Adviser that we were making progress in February-March-April 1970. But, since not everybody knows your methods, it was not that clear to our principals, and therefore they did not think that they were risking a great deal by undertaking some of the measures they did.

Therefore it would be important, for psychological reasons, that if we really want to bring these negotiations to a successful conclusion, that at some point as soon as possible we register an unambiguous definite point of progress. This could have great psychological effect in Washington.

Now let me turn to a few of the specific points that Mr. Special Adviser Le Duc Tho has raised.

Special Adviser Le Duc Tho has asked are we sincere in trying to have negotiations and are we really determined to end the war?

I can assure the Special Adviser that we would consider it the greatest objective that we have set ourselves if we could end this war by a negotiated settlement and end the suffering and bloodshed.

There is nothing to be gained or to be proved anymore by either side by continuing the war.

I can assure the Special Adviser and the Minister that when we make a decision to settle, we shall do it with even greater energy and dedication than in the events of the past few years when we were obliged to make war.

Now, as to specifics.

Special Adviser Le Duc Tho referred to the fact that I pointed out that this was our final offer. Of course, it is our final offer, but you are of course free to make your proposals. We are talking about a negotiation, and not an ultimatum.

The most important issue that Special Adviser Le Duc Tho raised was the issue of the political solution for South Vietnam, and for all Indochina. When we met in March 1970, Special Adviser Le Duc Tho said let us deal with both issues, and if we are blocked in one area let us move to another area.

We think that we are now blocked in the direct approach to the political problem and we have therefore made our proposal first to settle the military problem and thereby indirectly affect the political problem. You have often said that the government in Saigon is held up only by American power. We do not agree with you, but in any event by proposing withdrawal of American forces and a fixed date we can test the correctness of your proposition.

If we do not settle now, the only result will be that we will arrive several years later at the same point we propose today. That is to say, a point where the American forces will be withdrawn and the South Vietnamese will be left to themselves.

I have explained on a number of occasions to Minister Xuan Thuy, and I believe also Mr. Special Adviser, that we cannot, consistent with our principles, simply betray people with whom we have been working for many years. But we are willing to discuss processes which bring about an opportunity, indirectly, for the people of South Vietnam to determine their own future. As I have pointed out before, we do not want anybody to impose his political solution by force, and we will not impose ours.

Maybe there has not been enough imagination on how to bring this about. But my principal point in replying is to assure you. Nobody

sees the President more often than I. I know that he sincerely wants peace, and that he will do what is possible consistent with his principles and obligations to bring it about.

So I would like to join the remarks that Mr. Special Adviser made at the end. If we can today make a commitment to peace, and if we can truly agree to make rapid progress, you will find us eager partners on a road toward a peace which will benefit both our people and all people of the world.

Thank you.

Le Duc Tho: I have some remarks.

I do not want to return to your justifications about the fact that after each meeting there were some military attacks. Because the facts are facts.

Now you say you want to come to negotiate a settlement. But this can be done not by words, but only by facts, by realistic proposals, by concrete proposals. But through your proposals, and through your further explanation of your proposals, we don't see anything concrete yet.

If a settlement of the problem is to be reached, it is necessary to settle both military questions and political problems. And as you recall, if we are blocked on one, we shall move to another. But now you reverse your position. If we only settle the military question the problem is not settled.

We shall see how you will settle the problem concretely. We shall continue to listen to you.

Kissinger: We have made our proposal. If you have no other proposals of your own, I have nothing more to say.

Xuan Thuy: Now let me say a few words.

After considering your Seven Point Proposal made in a private meeting on May 31, 1971, and after listening to the further explanations given by Mr. Special Adviser Kissinger, we see that your proposal is not yet complete because your Seven Point Program said nothing about the political problem as we have agreed.

Mr. Special Adviser Kissinger says that Mr. Le Duc Tho and I said once that we should settle parallelly the military and political problems, and if we are blocked on one we should shift to a discussion of the other.

Actually we did make such a statement. But we maintain our stand that both questions should be discussed parallelly. We should raise these two questions; we should speak of them, because they are linked.

Yet in the Seven Point Program the U.S. government made no mention at all of the political. Only in your further explanation did Mr. Special Adviser say that the military settlement would have an indirect effect on the political problem.

Le Duc Tho: The U.S. participated in the 1954 and the 1962 Geneva Conferences. And then the political and military problems were never separated. When we settle military problems we should see the perspectives of the political settlement.

I just mention here a few small things, but very concrete. If we end the war, will there be democratic liberties for the people. Will they be free from reprisals? Will they be free to have general elections in South Vietnam?

We see we have come to an agreement just a few months ago and now you have changed your stand. Now we wonder if we come to an agreement, will you keep your agreement or will you tear it up?

Xuan Thuy: Now, as I have said here on many occasions, the U.S. withdraws troops, but it does not withdraw its forces rapidly and totally. According to the statements made by representatives of the White House and Pentagon we see that the intention of the U.S. is to leave behind its naval and air forces to support Saigon. In the meantime the U.S. wants to support the Saigon Administration. As I told you last time and in many previous times.

Mr. Special Adviser said you did not intervene in the political affairs of South Vietnam. But the facts are just the reverse. If so, we cannot put an end to the war. The U.S. cannot achieve what it has been saying, that it will get out of the war. It cannot do that.

For instance, you have just said when you answered my question, you talked about ceasefire throughout Indochina, all military activity except air reconnaissance, and this air reconnaissance can lead to war. I don't know about Laos and Cambodia, but as for the DRV, as a sovereign country, we cannot bear reconnaissance flights over our country. This is our position.

Now, on behalf of the government of the Democratic Republic of Vietnam we would like to put forward to the U.S. Government our Nine Point Peace Program.

Kissinger: Is that a new proposal?

Xuan Thuy: Yes, you said last time that after considering your proposal, we should bring something new. After considering your proposal we feel it is not complete enough.

Kissinger: You are two points ahead of us again. I accept it, but I notice it.

Xuan Thuy: This proves our desire is more earnest than yours to end the war because we have more points.

Kissinger: George Bernard Shaw once said that, "I wrote a long letter because I didn't have time to write a short one."

(Xuan Thuy then reads the nine points from a prepared text.)

Point One. The withdrawal of the totality of U.S. forces and those of foreign countries in the U.S. camp from South Vietnam and other Indochinese countries should be completed within 1971.

Point Two. The release of all military men and civilians captured in the war should be carried out in parallel and completed at the same time as the troop withdrawals mentioned in Point One.

Point Three. In South Vietnam the U.S. should stop supporting Thieu/Ky/Khiem so that there may be set up in Saigon a new Administration standing for peace, independence, neutrality, and democracy. The Provisional Revolutionary Government of the Republic of South Vietnam will enter into talks with that Administration to settle the internal affairs of South Vietnam and to achieve national concord.

Point Four. The United States Government must bear full responsibility for the damages caused by the United States to the peace of the whole of Vietnam. The government of the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam demand from the U.S. Government reparations for the damage caused by the U.S. in the two zones of Vietnam.

Point Five. The U.S. should respect the 1954 Geneva Agreements on Indochina and those of 1962 on Laos. It should stop its aggression and intervention in the Indochinese countries and let their people settle by themselves their own affairs.

Point Six. The problems existing among the Indochinese countries should be settled by the Indochinese parties on the basis of mutual respect for the independence, sovereignty, territorial integrity and non-interference in each other's affairs. As far as it is concerned, the Democratic Republic of Vietnam is prepared to join in resolving such problems.

Point Seven. All the parties should achieve a cease-fire after the signing of the agreements on the above mentioned problems.

Point Eight. There should be an international supervision.

Point Nine. There should be an international guarantee for the fundamental national rights of the Indochinese peoples, the neutrality of South Vietnam, Laos, and Cambodia, and lasting peace in this region.

The above points form an integrated whole and are closely related to one another.

Le Duc Tho: This provision is similar to yours.

Kissinger: Can I have the text so I can ask questions? I will give it back. (He was given the text.)

Xuan Thuy: Our proposal is a comprehensive one, a complete one, a logical, reasonable, and realistic one. It will lead to a lasting settlement. It will bring about a peaceful, independent, and stable Indochina, in

the interest of the Indochinese people and of the U.S. and peace. I hope the U.S. will promptly respond to it so that we may reach a settlement.

Kissinger: May I ask some clarification?

On no. 3, where you say in South Vietnam the U.S. should stop supporting Thieu, Ky, Khiem, what do you mean by that phrase?

Xuan Thuy: In this connection, we have expressed our views to Mr. Special Adviser and other U.S. delegates many times. We mean that the leaders of the Saigon Administration, such as Mr. Thieu, which is a group, although the U.S. says they are elected by the people, and they have a political structure, as a matter of fact, they are put into power by the U.S.

Kissinger: But what concretely do you want us to do besides withdraw our troops? If we accept this, what is our obligation?

Xuan Thuy: The Thieu, Ky, Khiem Administration constitutes an obstacle to the ending of the war, and to the restoration of peace, and to the work of the Paris Conference, because this Administration is opposed to communism, neutrality, and coalition. They always say they would use military means to end the war.

Therefore this Administration should be changed. How to change them I think you know better than we do.

Kissinger: I just want to understand. In other words, you are saying that we should leave Vietnam by the end of 1971, and on the way out we overthrow the Thieu, Ky, Khiem government. Is that correct?

Xuan Thuy: We have been saying all the time that both military and political questions should be settled at the same time. So in the military field you should complete withdrawals by 1971. In the political field you should change Thieu, Ky, Khiem. You have put them into power. You know how to change them.

Actually both problems should be settled in 1971. I think you have actually an opportunity to achieve this, to show that you are really willing to withdraw, really willing to respect the right to self-determination in South Vietnam.

Le Duc Tho: Because the internal affairs of South Vietnam can be settled only if there is in South Vietnam an Administration standing for peace, independence, neutrality and democracy. By forming such an Administration you will create a favorable atmosphere for talks with the PRG.

For so many years now this Administration, set up by the U.S., is very bellicose, warlike. And it would be very difficult to talk and settle the problem with this Administration. There must be some favorable atmosphere for negotiations.

Kissinger: Let me ask one more question, just for clarification.

On point six. "As far as it is concerned, the DRV is prepared to join in resolving these problems." What does this mean?

Xuan Thuy: The DRV has common frontiers with other Indochina countries. In April 1970, the Summit Conference of the Indochinese peoples was held and in this Conference, the people of Indochina expressed their sense of solidarity and unity to repel the war of aggression, to defend their sovereignty, their independence and their territorial integrity. This is the connection, the relationship we have. That is why we put that sentence.

Kissinger: You have no common frontiers with Cambodia.

Xuan Thuy: It is because of the solidarity of the Indochinese people.

Kissinger: Does this phrase mean that you will withdraw your troops from these countries?

Xuan Thuy: We have always said that the DRV respects the Geneva Agreements of 1954 on Indochina and 1962 on Laos. We have refrained from interfering in the internal affairs of these countries. At the Indochina Conference of peoples we expressed solidarity and mutual help.

Kissinger: If you consider what you have been doing in Indochina since 1962 as noninterference, it is not considered particularly reassuring for my colleagues in Washington. They suffer from the illusion that there are 100,000 North Vietnamese in Laos.

Xuan Thuy: The Vietnamese are present in Laos and Cambodia, even in France, in the U.S.

Kissinger: In organized military units?

Xuan Thuy: I do not think so.

Mr. Special Adviser says that your colleagues in Washington will not be assured by this point because they are worried about history. If you speak about history, then I should refer to the historical origin of the situation and it will be long. And you have expressed no wish to return to the origins of the war. It will be long and we will be worried if we look into the origin of the war.

Kissinger: Can you answer one question that I will be asked in Washington? What is new in this proposal that you have not offered before?

Xuan Thuy: Please examine and you will see something new.

Kissinger: But you cannot tell me?

Xuan Thuy: I find many new points.

Kissinger: Give me one or two examples.

Xuan Thuy: All this is new. If you compare with the four points, with the eight and the ten points, that we support, and even with the seven points you will find something new.

Kissinger: Compared to the seven points, I have no difficulty finding something new. But that is not my question. Are you saying any-

thing that we should give special consideration? That's what you asked me last time.

Xuan Thuy: Last time when I asked you the question, you did not answer and you said we should consider your proposal. I think you should do the same.

Kissinger: Are you now proposing we discuss your nine points and our seven points, or only your nine points?

Xuan Thuy: We are prepared to discuss both the nine points and the seven points.

Kissinger: Let me make final observation.

We will consider all this, except point four, which is completely inadmissible and should not be put to a great country. We have offered on a number of occasions voluntarily economic aid, but the phrase reparations is completely inadmissible.

Le Duc Tho: It is your view. Both sides should study and consider.

Xuan Thuy: I would like to add one more point. You are the professor. If the U.S. has prestige in the eyes of the world, if the U.S. is respected by the world, it is not because the U.S. has a great amount of modern weapons or a great amount of finances. The U.S. is respected and appreciated because of the history of the U.S. and the struggle of the U.S. for the cause of independence and peace. And what is the noblest thing is the equality of people in the world.

Therefore you should not say that being a great country you cannot accept this point. Because after causing damages, now you repair damages.

As you said that your seven points is a final proposal, we said this was an ultimatum if you use the word final. You said it is not an ultimatum. Therefore we said it is our view that it is natural that you should give a response.

Moreover this point four will be discussed and you should also consider.

Kissinger: Keep in mind that there are points of honor and principle involved for us. Two American Presidents have indicated that we are ready to give economic aid. We will do this as a voluntary act and a sign of good will and basis for new relationship. We will not do it as an obligation and as a condition for ending the war.

Le Duc Tho: As Minister Xuan Thuy has just said, these nine points will be subject to discussion.

But there is one point I would like to mention.

Our country has been subject to aggression and tremendous destruction for over twelve past years. If now a small amount of money is paid for damages that is something legitimate, and common sense shared by everyone in the world.

But it is one of the questions. The main thing is that military and political problems, these great problems should be settled.

Kissinger: Let me ask one more question. The last time I saw Minister Xuan Thuy, you had a peace proposal which was published two days after we met. What do you plan this time?

Xuan Thuy: These nine points are given to you for consideration.

Kissinger: My question is: If we discuss them, along with our seven points, will you keep them secret during our discussions or will you publish them?

Xuan Thuy: We shall discuss together these seven and nine points. Your question is not yet clear to me.

Kissinger: The question is, we have kept our proposals to you secret while we discussed. You have presented these nine points. Can we assume you will keep them secret while we discuss them or will you publish them?

Xuan Thuy: The private meetings will be kept according to habitual rules.

Kissinger: In other words, we will keep our proposal secret and you keep yours secret.

(Xuan Thuy nods yes.)

Kissinger: Agreed?

Xuan Thuy: Agreed.

Kissinger: We will consider your proposal and give you our reply at another meeting.

In addition, I wanted to mention two things.

But first, can we set a date for another meeting?

Xuan Thuy: Yes. You should consider our proposals and have views to express and we should meet again.

Kissinger: I agree.

In the light of this and other matters, I intend to pay a visit to Saigon to form my own judgment of the situation. I intend to do this within about a week or so. I will do it with a minimum of publicity, but it will be known especially since my colleague, Mr. Special Adviser, is always well-informed on my program.

Xuan Thuy: Your trips are unknown to us. Also your weekends. Only the weekends when you come here do we know where you are. We know only of your working hours.

Have you finished?

Kissinger: I would suggest, because it would fit into my travel schedule, July 12th, that's a Monday.

This would be on my return from Asia and therefore would attract little attention. Is that agreeable?

Le Duc Tho and Xuan Thuy: (After discussion) We agree.

Xuan Thuy: By the way, I would like to mention to you that Mme. Binh recently told me that it would be advisable and appreciated if she would have the opportunity to meet an American representative and if possible high-ranking, for example you, so that she may expose completely and fully her views. With you would be good.

Kissinger: I am afraid of her.

Xuan Thuy: She's a very attractive lady.

Kissinger: Let us see if we make progress in our discussions. Then we can see what the prospects are.

(Xuan Thuy and Le Duc Tho nod concurrence.)

Let me make one general proposition. We have talked together for a long time now. It is obvious to me that in drawing up the nine points you stated your ideal program. Obviously, each side in preparing its program is more conscious of its own needs than those of the other side's. I think you know which points of this program are most difficult or most objectionable for us, without my describing them in detail.

We shall look at these points with the attitude, which I have described to the Special Adviser, that we would like to come to a rapid solution.

I hope you will look at ours from the same point of view.

Let us both make an effort next time to see whether we can register some concrete progress at one meeting, so that we will be encouraged when we return to our respective duties that we have made some progress and that more progress must be made.

Perhaps one way to proceed is for both of us to try to see which of the other's points we are willing to accept so that we can put those aside and at the end of the next meeting we will have reduced them to those which we haven't solved.

Le Duc Tho: Minister Xuan Thuy and myself have told you many times that we have been talking for six or seven times but this time today we put forward the nine points. It is obvious that these nine points mark progress. Now we have made our proposal. You will consider it and next time you will put forward concrete things, logically, seriously, and reasonably.

Kissinger: The Special Adviser is not implying that this is different from what I say today?

Le Duc Tho: What is important is that you give an answer to our nine points. At least we have given concrete points and your seven points are too general. So next time you should raise your questions. And if we put aside points we agree upon we should refrain from reversal of agreement. There should be parallel settlement of military and political problems.

Kissinger: We will look this over and you will again look at our remarks. Let us both try to make significant progress at the next meeting.

And let us both keep secrecy about the nature of these discussions. Otherwise it will be impossible to continue.

Xuan Thuy: While apart we will keep these meetings secret.

Kissinger: And the points?

Xuan Thuy: Yes.

Kissinger: And Mme. Binh also?

Xuan Thuy: But you refuse to meet her.

Kissinger: That is a serious question. If Mme. Binh publishes these nine points, we will publish our seven points and break off the channel.

Xuan Thuy: We shall keep this forum secret. As for Mme. Binh or the PRG, the last time you suggested a number of things. I told you that this was suggestion. I cannot answer for Mme. Binh.

Kissinger: I just want to tell the consequences. If your persuasive powers fail, and she publishes a nine point program, we will only discuss it in the public forum, at Kleber. If we make significant progress, the time may come when we can talk to other parties.

Xuan Thuy: We should all say that we desire peace and should come to a settlement of the war. Because the continuation of the war will not be in the interest of anyone.

Kissinger: That is our attitude. We will make major efforts in that direction.

I also have the selfish reason to keep my colleague, the Special Adviser, here in Paris for a while.

Le Duc Tho: It depends on you.

If you put forth something concrete and there is progress, I will stay to settle.

Kissinger: We will meet on the 12th. At 10:30?

Le Duc Tho: We should make an effort and serious negotiations to come to a settlement.

Kissinger: This will be our attitude. But we should look at each other's necessities. We will look at yours. But we hope you will make an effort to look at ours.

10:30 on the 12th.

Thank you very much, Mr. Minister. It's always a pleasure to see you.

(To Le Duc Tho) It's a pleasure to renew our acquaintance.

Xuan Thuy: We are very glad to meet you.

Kissinger: It's our misfortune that people I like so much personally are on the other side.

Xuan Thuy: That is precisely the reason why we should promptly end the war. Then there is no difference of sides.

And so, as I told you, we always end our meetings with a smile.

10. Memorandum of Conversation¹

Paris, July 12, 1971, 2:10–6:15 p.m.

PARTICIPANTS

Le Duc Tho, Adviser to the North Vietnamese Delegation
Xuan Thuy, Chief of North Vietnamese Delegation
Vo Van Sung, North Vietnamese Delegate General in Paris
Nguyen Minh Vy, Deputy Chief of North Vietnamese Delegation
North Vietnamese Interpreter
Two other North Vietnamese Officials
Henry A. Kissinger, Assistant to the President for National Security Affairs
Major General Vernon Walters, Defense Attaché
W. Richard Smyser, NSC Staff
Winston Lord, NSC Staff

Kissinger: I had to escape from hundreds of press. The Special Adviser excited the press and aroused great publicity.

Xuan Thuy: Your recent trip aroused great publicity.

Kissinger: I note the Special Adviser has become a television star.

Le Duc Tho: I couldn't refuse to be interviewed by the press.

Kissinger: I have managed for the last ten days.

Le Duc Tho: There is great speculation as to whether we will meet.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 853, For the President's Files (Winston Lord)—Vietnam Negotiations, Camp David, Vol. IX. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at the North Vietnamese Residence at 11 Rue Darthé. Smyser forwarded the memorandum of conversation to Kissinger under a July 20 covering memorandum, and Kissinger approved it. (Ibid.)

In a July 14 message to the Politburo in Hanoi, Le Duc Tho and Xuan Thuy reported: "The following conclusions may be drawn from the three most recent private meetings with Kissinger (since 31 May [including 26 June and 12 July]):

"—After starting with just exploring our position, the U.S. has gradually moved in the direction of seeking a solution, and it wants a quick settlement. On 31 May Kissinger said that the U.S. seven-point proposal was its final proposal, but the issues he raised this time were different from his previous seven points.

"—With regard to the content and the way the issues were presented, there was progress in that he did not demand an immediate ceasefire but instead agreed to a ceasefire when an agreement was concluded and signed. He fitted their seven points into our nine points.

(Footnote continues on next page)

Kissinger: In order to get that out of the way, we have published a schedule for today according to which I am seeing Ambassador Bruce all day long. And we will under no circumstances say that we have met.

We believe that if this channel is to be serious it must be secret. We do this even though it would be to our political advantage to announce it.

Now, Mr. Special Adviser and Mr. Minister, I have brought along a statement in reply to your nine points you gave us the last time.

But before I do this I would like to make one other comment.

I had always believed that although we find ourselves in opposition on the battlefield the purpose of these meetings was to establish confidence and to find an honorable solution.

At the end of the last meeting I thought we had reached an agreement that we would not publish our proposal and you would not publish your counter-proposal. Four days later Madame Binh published her seven points, which cover most of the substance of the nine points you presented to us. The same thing happened last September when the Minister and I met.

The Special Adviser, in his very eloquent speech last time, asked me if we were serious in negotiating an end to this war.

I must tell you candidly that these actions make us doubt whether you are serious in seeking an end to the war.

Since Madame Binh has published her seven points, hardly a day has passed without some public statement from your side to which we have, up to now, not replied.

I want to tell you in all solemnity, Mr. Special Adviser and Mr. Minister, that you have to choose between propaganda and serious negotiations. The Special Adviser and the Minister have pointed out

“—We stressed that we desire serious, good faith negotiations and we emphasized the need to replace Thieu. This is the most difficult problem for the Americans. It is possible that the Americans will agree to replace Thieu in exchange for the right price.” (Message from Le Duc Tho and Xuan Thuy to the Politburo, 14 July 1971, in Doan Duc, et al., compilers, *Major Events: The Diplomatic Struggle and International Activities During the Resistance War Against the Americans to Save the Nation, 1954–1975*, volume 4, pp. 292–294)

Kissinger also reported to Nixon on July 14: “The tone of the meeting was very positive and the other side tried hard to be serious and constructive. I think we have now reached essential agreement on all issues except the political one, and their remarks in the meeting indicated that they would look at this question seriously between now and the next meeting.” Kissinger also noted that “Both Le Duc Tho and Xuan Thuy repeatedly said that we had to get rid of President Thieu, but Tho said that our refusal to do that would make a settlement ‘difficult’ to reach, rather than ‘impossible’ (as Thuy had said earlier).” (*Foreign Relations, 1969–1976*, vol. VII, Vietnam, July 1970–January 1972, Document 233)

to me on a number of occasions, the mistakes we had made in our military estimates on Vietnam.

I will not argue this now, but I would like to emphasize that you have made serious errors in your estimate of the domestic situation in the United States.

You counted on the domestic situation in 1969 and you were mistaken. You counted on it in 1970 and you were mistaken. You count on it in 1971 and you will be mistaken again.

We are prepared for serious negotiations in which we will look at your necessities if you look at ours. But this can succeed only if you are equally serious. And, therefore, it is up to you whether to make propaganda or to negotiate.

If you are prepared to negotiate I will meet you with an open mind and much good will. But we are all of us much too busy to waste our time on a sideshow simply for propaganda.

That is all I have to say before my presentation. I wonder whether the Special Adviser or the Minister have something to say in reply before we go to the substance of our discussion.

Xuan Thuy: It astonishes me a great deal to listen to the opening views expressed by Mr. Special Adviser because my assessment is just the reverse. Because when you are blaming us I think we should have blamed you.

When Mr. Special Adviser Le Duc Tho had not come here you told me that in these private meetings we should create a favorable atmosphere. We should not create anything inflammatory.

But only a few days after you left Paris the battlefield in Indochina included inflammatory developments.

For the time being the United States is making military operations against the Plaine des Jarres. We think you want to return to the situation in September, 1969, and the situation in September 1969 had led to consequences known to you.

And then in the region of Route 9, and further southward, there are military developments too. And in Cambodia military operations were carried out in the Snuol region and in the region of the Parrot's Beak.

And for the last few days in South Vietnam, many fierce bombings by B-52's were carried out in South Vietnam.

And against North Vietnam you have been launching attacks in border areas between North Vietnam and Laos.

Kissinger: What do you mean? I do not know what you are talking about. I just want a clarification. I will not dispute it. What area are you talking about?

Xuan Thuy: In the region of Quang Binh and Vinh, on June 30 and July 1.

Mr. Special Adviser, your recent trip to Asia has had publicity; yet I have no comment to make on it.

What you told us is to keep this channel secret. But a few days after you left the United States, in Washington there was already speculation of your meeting us.

Kissinger: Generated by the Special Adviser who made a public statement that he would welcome me.

Le Duc Tho: What statement do you refer to?

Kissinger: One of your press spokesmen said that if I asked for a meeting you would be glad to see me.

Le Duc Tho: I did not make this statement myself. When asked by newsmen, I said that if this meeting was proposed I would consider it.

Xuan Thuy: I am speaking of developments before this statement. In Washington President Nixon said that you were prepared to further explore the negotiations at the same time you go forward with the policy of Vietnamization, regardless of what happens at the conference table. Moreover, it was reported that the White House was preparing for a diplomatic offensive.

And in such circumstances, Madame Binh, being refused a meeting with Mr. Special Adviser, she is forced to bring forth her seven points at Kleber Street. Moreover, the time limit she had proposed, June 30, 1971, has expired, without any response from the United States.

So she is obliged to make a new statement. I think that under such circumstances the development is understandable.

But if you consider our nine points as against Madame Binh's seven points, you will see a great deal of difference.

And therefore, I would like to say that Mr. Special Adviser and Ambassador Bruce at Kleber Street have been saying that we are making propaganda. The other day I told Ambassador Bruce that the United States is exceeding in the art of propaganda, while accusing us of making propaganda. I think we should not debate on that point.

I have to tell you only that we came here to discuss with you and to settle the problem of Vietnam rapidly. And I told you that we do not rely on developments in the internal situation in the United States. We should rely on our forces and on the situation in Indochina.

Because if we rely on the internal situation of the United States, then in 1964, when you attacked us, the Senate, the House of Representatives, and the American people all were supporting the Administration. But we resisted against you.

So in a word we don't come here to make propaganda. We come here to seek a settlement.

And the nine points we propose are an expression of our real desire for a settlement, a rapid settlement.

Kissinger: Well, Mr. Minister and Mr. Special Adviser, I have to tell you that on our side there is the most serious doubt about your desires.

We can continue these discussions a little while longer, but I do not believe without some progress the President can continue them indefinitely. The events of the last few weeks have created some real doubts in his mind whether he should continue these talks, and we have to make some progress in the next few weeks.

(Le Duc Tho nods)

Kissinger: I am prepared to continue to make a serious effort and to make rapid progress.

Le Duc Tho: I told you the other day that you did not believe in our sincerity and we did not believe in your sincerity either. It is mutual doubt. I do not want to return to past events, but if you really desire genuine negotiations you should review the course since President Nixon came to the White House.

You should see how many steps we have taken to express our real desire to have negotiations, and on the contrary on your side how many proofs have been given as to your continuing efforts to win military victories.

I just point out this point so that you review the past only.

We have been negotiating now for over three years and after the cessation of bombing and the beginning of the four-party conference you should have seen how we have expressed our desire and good will for negotiations.

And ever since at the Paris Conference there has been no progress because you have launched in the meantime many military offensives and have downgraded the Conference without any Chief of the U.S. delegation for over a year. In the meantime, Minister Xuan Thuy remained in Paris to conduct negotiations with the U.S. delegate who was not his interlocutor.

Therefore, in the face of such facts, there is more reason for us to doubt your sincerity than for you.

But now to see the good will of the other side, we should have to look at the real situation.

We have put forward the nine points. You have put forward your seven points. Madame Binh has put forward her seven points and we fully support her. And Madame Binh's seven points have now found broad approval in public opinion.

Kissinger: Here you go again. I have told you I would not listen to that.

Le Duc Tho: This explains our good will.

Kissinger: I don't see how you are expressing your good will when you put forward nine points to us and seven points publicly and point out the differences. We don't know which ones you're talking about.

Le Duc Tho: There are differences actually, and actually there are points which are similar. But the differences are very important.

The points we raised here, we still keep them secret.

Therefore we can tell you that the proposal we have made this time is a serious proposal. We really want to enter into substantial discussions with you to come to a real settlement of the conflict in Vietnam, and the question of peace in Vietnam.

As far as we are concerned, we are determined to go in this direction. But we wonder will you do the same?

As Minister Xuan Thuy pointed out, we met on June 26, and on June 30 and July 1 there were very serious bombings in the northern part of the DMZ. This was the third serious bombing since early 1970. There were three.

Yet also there were military operations against the Plaine des Jarres and the region of the Parrot's Beak in Cambodia, and in the border area between Vietnam and Cambodia.

Therefore there is reason for us to raise with you the question of doubt as to your sincerity. As Minister Xuan Thuy pointed out, and now myself, I reiterate our real desire, our sincerity to begin serious negotiations.

And if now we compare your seven points and our nine points, we shall see the seriousness. If now we review your seven points we agree in principle but we have not gone into detail.

Kissinger: I did not understand. Could you repeat this?

Le Duc Tho: If we can review your seven points, there are points we have agreed in principle but we have not gone into detail. But there are points we have not even agreed on in principle.

Kissinger: I understand.

Le Duc Tho: The points are before you.

For instance, one of your points deals with, you say that there should be, international supervision of the ceasefire and its provisions. We agree in principle on this point, but on when and how a ceasefire will start, there is still disagreement between us.

As for your point 6, both sides should renew their pledge to support the 1954 Geneva Agreements, we agree on that and we have carried this out.

You said there should be international acknowledgment at an international conference. We have said there should be international guaran-

tee of the agreements, not only for Vietnam but also for Laos and Cambodia.

You proposed the release of POWs and innocent civilians on both sides. We propose this be carried out as far as Vietnam is concerned. You propose for all of Indochina.

For the release of POWs, we propose that you set a date for troop withdrawal. This is the demand of world opinion.

Kissinger: You are using that word again.

Le Duc Tho: President Nixon also spoke of these things together, of troop withdrawal and prisoners. But there are points we have not yet agreed. For example, your point 2. We have not agreed to. We have not agreed to that, but have proposed our point 6.

Kissinger: It's your own proposal.

Le Duc Tho: You have proposed your point 2, we have proposed our point 6.

Kissinger: I took point 2 from your point 3 of your old 10 points.

Le Duc Tho: It is not so; it is quite different.

On your proposal regarding troop withdrawals, you say that there is troop withdrawal when there is a settlement and a ceasefire should follow immediately after the troop withdrawal. Our proposal is different on that point. We propose that all questions should be settled first and then we come to a ceasefire. So in a word that we have agreed in principle but there are others we have not agreed with you.

By telling you this I want to say that making this proposal we want to enter into serious negotiations to seek a settlement of the Vietnam problem. Not only now but even before we made our proposal of 10 points and our 8 points in a real desire to reach a settlement of the problem.

Now our 9 points are very concrete about the date of troop withdrawal; about release of prisoners; and about the political question of South Vietnam. It is very concrete. And we also proposed that the two questions should be discussed parallelly.

But let us see whether you bring something concrete today, as you said the other day you would bring something more concrete.

Kissinger: Alright, I will do that, but let me just say two things simply for your information.

You spoke of the bombing in the northern half of the DMZ. Our military experts tell us, including my conversations with General Abrams in Vietnam, that there is the heaviest infiltration of the DMZ since 1967 and the heaviest concentration of forces north of the DMZ since 1967.

We get daily requests from our military commanders to authorize bombardments of those units north of the DMZ. Particularly in light of the understandings associated with the bombing halt.

We have so far rejected all these requests, because we want peace as quickly as possible.

But I agree with the Special Adviser that we should begin negotiating about the 9 and the 7 points and prove our good will that way.

The only thing I would like to point out is that we are negotiating with the Special Adviser and the Minister and not with the *New York Times*.

And you have to choose.

Should I make some of my remarks? I notice you have some points.

Xuan Thuy: I would like to say only that you want to say we are making propaganda, but we want to say you are making propaganda.

And then there is another point. The difference between the 7 points of Madame Binh and our 9 points have been pointed out by Mr. Le Duc Tho. But I would like to point out this very important difference: she only speaks about within Vietnam, but in our 9 points we have raised the question of the whole of Indochina. It is a very important point.

Kissinger: I just want to make sure that when we reach an agreement you will not quarrel so much with Mme. Binh that it will destroy the agreement.

Le Duc Tho: What about you and Saigon? I understand that there was a meeting of minds between you and Saigon. We take note of that.

Kissinger: We will take care of our Allies.

Xuan Thuy: And will you take care of them very carefully?

Kissinger: I did not take this trip to Saigon for nothing.

Xuan Thuy: Let us see the results of your trip. We will see what you brought.

Kissinger: This was approved by the President before the trip and is an effort to look at your 9 points and our 7 points to see what we can combine along the lines that the Special Adviser has already done.

Then after I have done it, perhaps you can give me your approach and we can see where we can combine them.

Let me now give you our specific position on the 9 points one by one.

With respect to point one, we are prepared to give you a date for the total withdrawal of U.S. and Allied Forces as the first item of business once we have come to an agreement on the framework. We agree that this be the first item of business and that it would be mutually agreed.

Le Duc Tho: Please repeat the last sentence.

Kissinger: (Repeats). Once we know what the general framework will be, not every detail.

Let me give you an example. If we continue what the Special Adviser started before, that is if we take the points one by one and agree on a general framework, then the first detailed item of business will be point one.

Is that clear? I am not asking whether you accept it.

Le Duc Tho: It is clear now.

Kissinger: As for the second point, we accept your formulation with two elaborations, which are drawn from our 7 points. The elaborations are as follows:

—Both sides would present a complete list of military men and innocent civilians held throughout Indochina on the day agreement is reached.

—The release of these prisoners would begin on the same day as our withdrawal under the agreed time table and would end on the day the withdrawals are completed.

You will notice that we have dropped the provision that the POWs be released two months before withdrawals conclude, as a gesture of good will and in order to speed progress.

Point three I want to put aside and discuss separately at the end of my remarks. I will make a comment on it, but later.

The fourth point is unacceptable in principle, as I told you last time. I will have a comment on it later as well.

Point five we accept in principle but not in the language in which it is now drafted. We are prepared to respect the 1954 and 1962 Accords on the basis of reciprocity applying to *all* countries. We consider phrases like “U.S. aggression” rhetorical and unacceptable and they must be removed.

Le Duc Tho: But it is the facts.

Kissinger: The Special Adviser can write a historical treatise which I will do my best to get published in the United States, but he will not get the United States Government to sign such a document.

But we accept the principle. The Special Adviser has to decide between rhetoric and principle.

Sometimes I suspect that the Special Adviser understands French much better than he admits. And the Minister probably speaks English very well by now.

Xuan Thuy: You are making propaganda.

Kissinger: You can make propaganda if you say something good about me sometimes.

Point six, we accept the principle that the future of Indochina should be settled by the Indochinese parties on the basis of mutual respect for independence, sovereignty, territorial integrity and non-interference in each others affairs. We think that the last sentence of your point should be removed because contrary to your intentions it implies that you have special rights which I am sure you have no wish to claim.

We accept point seven in principle, but we want to define it as follows on the basis of our points three and four: There should be a general ceasefire throughout Indochina, to begin when an agreement is signed. As part of that ceasefire, there should be no further infiltration of outside forces into all the countries of Indochina.

We accept points eight and nine.

This means that we agree on points eight and nine and have agreement in principle on points one, two, five, six and seven.

Now let me turn to your point four.

Do you want to quit while you are ahead?

Xuan Thuy: We are prepared to continue to listen to you. We have not yet made comment.

Kissinger: As I said at our last meeting, the concept of reparations is unacceptable and non-negotiable.

However, the President has authorized me to say that we want to inaugurate a new relationship with you as well as all the other countries of Indochina.

I have told you that we believe your independence and development are in our interest, and that we are vitally interested in the progress of all the people of Indochina. Therefore, upon conclusion of peace, the President is prepared to inaugurate a large aid program for all the countries of Indochina as a gesture of good will. He will do this as a voluntary act on which you can count, but not as an obligation or a condition of peace.

This brings me to the key issue discussed in your point three.

I must tell you that if you persist in your political demands you are asking something that we cannot possibly fulfill. The more the conflict goes on and the longer our withdrawals proceed under the Vietnamization policy, the less influence we will have on a political solution.

You are thus in the curious position of threatening to continue the war to gain an objective which the continuation of the war makes impossible.

On the other hand we could accept the principle of your point three in its general sense. We could agree that we are not committed

to any one government in Saigon but to work in the same way with any government which exists there. We are willing to agree to a defined relationship with whatever government there is in Saigon after a peace agreement is signed. That is to say we are willing to define the precise economic, military and political relationship which a South Vietnamese government can have with us under conditions of peace.

In this connection, we are prepared to look seriously at some of the thoughts contained in points 4B and 5 of the proposal presented by Mme. Binh on July 1, which recall the 1954 Geneva injunctions against foreign military alliances, foreign military bases and foreign forces.

This is as far as we can go and as much as you can realistically expect.

I want to point out, too, that you must have some confidence in the political evolution in Saigon, and my visit to Saigon has convinced me that the best way to begin that political evolution is to come to an agreement this summer.

Finally, for your information, we are not opposed to the ideas about the reunification of Vietnam contained in paragraph 4A of Mme. Binh's statement.

But for purposes of this meeting we will discuss the nine points and not her seven points.

I also have to point out that we maintain point 2 of our 7 point proposal.

Let me conclude. Though it is not your habit. Do you have my statement already? I want to know how good your intelligence is. I know it is good in Saigon. I didn't know it was so good in Washington.

We have examined your 9 points sympathetically and with an attempt to look for areas of agreement rather than disagreement. I hope you will have the same attitude.

It is my belief that we are now at a crucial juncture in which each of us must make renewed efforts to find substantial progress which will lead to a settlement. There will be no better opportunity to bring peace to our people and to the world.

That is all I have to say.

Xuan Thuy: I propose a little break to air the room. We take into account that you are returning from a long trip and you have been working a great deal.

Kissinger: That is true. I produced great popular demonstrations in New Delhi.

Le Duc Tho: You were welcomed?

Kissinger: I tell you that I produced a great deal of emotion.

Le Duc Tho: I don't know when you made the statement that you were meeting with Ambassador Bruce, but this morning the French News Agency broadcasted, concerning your program in Paris, that you were meeting with Ambassador Bruce in the morning but nobody knows what you will do in the afternoon. You are leaving for the U.S. at the end. It was presumed that you would meet with the Vietnamese.

Kissinger: This afternoon Ambassador Bruce and Ambassador Watson are in the Residence of Ambassador Watson. We went in there publicly but we left by a back door. They think I am there. This evening I will have dinner in a public restaurant with Frank Sinatra so everyone will say I am very frivolous.

But if I am discovered outside the building I will never confirm that I have seen you. Everyone will say that this is an example of the rigidity and the lack of imagination of President Nixon and his adviser. Mr. Harriman will say that I have insulted you. But I think we should announce nothing until we have some success to report.

Xuan Thuy: I would like to tell you that our neighbors are on vacation. You can go outside.

(There was a long break of about an hour, 3:50–4:50 p.m., during part of which Le Duc Tho and Dr. Kissinger talked in the garden, while Xuan Thuy worked on his remarks. Le Duc Tho emphasized the importance of a political solution in South Vietnam and Dr. Kissinger said that U.S. withdrawals might influence the election. Le Duc Tho said the U.S. hand was still in South Vietnam influencing things.

Dr. Kissinger also stressed that the North Vietnamese publicity and press pressures might cause the President to break the channel. When Le Duc Tho maintained that they were not resorting to public pressure, Dr. Kissinger said that he was sure the Special Adviser understood what Dr. Kissinger was saying.

Dr. Kissinger also told the story of 150 newspaper people who had phoned or written Chou En-lai to get into China after the ping-pong episode. He noted that none had gotten through yet.

During this time Mr. Smyser read to one of the North Vietnamese recorders the detailed text of Dr. Kissinger's reply to the nine points, which the North Vietnamese had requested.)

Xuan Thuy: After listening to the Special Adviser I would like to put a few questions for clarification.

My first question is that you said we would discuss our nine points, and you said you agreed to some, and others you did not agree to, and that there were others you didn't agree on the wording. And you said you maintained your point two.

What is your point of view on point two?

Another question is about your point three. Regarding point three, you said you have no intention of changing the present Administration. This is something impossible to do. But you said you agreed with the point in principle in a general sense. What do you mean?

Regarding point four, you said the United States would grant economic aid to Indochina countries. It is a voluntary act on the part of the United States Government. But as far as we are concerned we want something more precise. What is the essence of your statement?

Another question is that you said that if we agree on a framework of an agreement, the United States would fix a date for troop withdrawal. Is this date for troop withdrawal in 1971? These are the questions I would like to put to you.

Kissinger: All right. The meaning on point two first.

We believe that the principle should be accepted that the troops of each of the countries of Indochina should stay within their borders. But we agree that the details of this can be discussed among the countries of Indochina. Is that clear?

Xuan Thuy: Yes.

Kissinger: Let me talk about point four next. I believe that it is a point that will be easy in substance but difficult if you involve it with our honor. We cannot accept that as a condition of peace that we should pay reparations to end a war. On the other hand, we are prepared to declare unilaterally that we will engage in a substantial program of economic rehabilitation of the countries of Indochina. I frankly have not discussed with the President how to do this, but I have the following ideas.

For example, the President could either make a statement in which he would declare that upon conclusion of the war he would set aside a certain sum for rehabilitation of Indochina, or make a speech asking Congress to express support for this. And this, in my judgment, could be quite a substantial sum, but I would like to discuss in Washington what the sum would be, if you are interested.

But we can do this only as a voluntary act, and not as a result of pressure. And I believe it is also in the interest of both our countries because this could lay the basis for a new relationship between us.

Is that sufficient on this question?

Xuan Thuy: Do you mean economic aid without repayment?

Kissinger: Substantially, yes.

Xuan Thuy: OK.

Kissinger: But I want to check the details. I think this is no problem. I don't think repayment will be a problem.

On withdrawal I believe that as always the Minister has let his optimism run away with him.

Xuan Thuy: You are pessimistic and you don't want to withdraw.

Kissinger: But I think we will have a reasonable date.

Xuan Thuy: What date would be reasonable?

Kissinger: That will be the first item of discussion when we have basic agreement on the framework.

On point number three. I was perhaps being too complicated and professorial.

Xuan Thuy: As a professor you make the problem clear and understandable to students. The language of jurists is often ambiguous, but that of professors should be clear.

Kissinger: At Harvard, obscurity is often identified with profundity.

Xuan Thuy: Then Harvard students are all obscure.

Kissinger: Mr. Smyser here was one of my students. Mr. Ellsberg was another one of my students.

Le Duc Tho: Mr. Ellsberg is very explicit.

Kissinger: With other people's writings.

On point three. We are willing to declare that we are not supporting any one government in Saigon. But we would like to express the point in specific restrictions that we can have with whatever government exists in Saigon, no matter how it came into power.

This would apply to the existing government or to any other government that might appear.

I have pointed out that some of the ideas expressed in points 4B and 5 of Mme. Binh's proposal could form a basis of discussions. But I don't want to encourage you to propose new points four days after I leave. Unless you give them to me secretly.

Xuan Thuy: Have you finished?

Kissinger: Yes, thank you.

Xuan Thuy: May I now express my views on your presentation?

I think that we have made some progress today. Through the statement made by Mr. Le Duc Tho at the beginning and the presentation of Mr. Special Adviser Kissinger on the 9 points.

It seems to me that we have agreed that we shall discuss both the 9 and the 7 points.

Kissinger: That is correct.

Xuan Thuy: It is natural that on the nine points there are some we have agreed in principle. There are others we still have to discuss, even in principle. There are others we have not come to agreement on yet.

I have general remarks as follows.

Our nine points are concrete. The seven points of the United States Government and the statement made by Mr. Special Adviser Kissinger today are not concrete.

Kissinger: I was getting confident there for a minute.

Le Duc Tho: So you have lost confidence now?

Xuan Thuy: Because on point one regarding the date of the troop withdrawal we are specific in this connection. We said we should do it in 1971. But Mr. Special Adviser said we should agree on the general framework first and then the date will be fixed later.

But the agreement on the framework may take some time. And after agreement on a framework then you propose a date, and then maybe there will be discussion on a date. That will take more time. It will take too much time.

You often blame us that we use the word “discussion” and that implies it will take too much time. But your approach will take time to discuss.

But if we propose 1971, let you now propose another date and we shall examine the dates to see which one is more reasonable. But in this connection we have shown a great deal of flexibility.

You have been demanding that we should release prisoners before a fixed date, and now we have given a very positive, very explicit answer to this demand. Here we speak completely privately, but this is also the demand of press and public opinion.

Kissinger: We won't discuss press and public opinion.

Xuan Thuy: I meant the approval of public opinion.

Kissinger: I don't want to encourage the publicity tendencies of my colleague, Special Adviser Le Duc Tho.

Xuan Thuy: Another important point is that what I have been saying regarding military questions.

Now I will deal with the political problem.

We have raised the very specific point that Thieu should be changed. You make no specific point, but you only make comments on the point. You have said in general that you would not interfere in the political process, and that you will define the relationship you have with any government in power.

But since now Mr. Thieu has a huge machinery in his hands, of army, police, and administration, he uses it to repress the people and the opposition.

If you say you will not interfere, it is tantamount practically to maintaining him. I would say that if Mr. Thieu is not changed, it would be impossible to settle the problem.

You say we ask something impossible for you to fulfill. But we think it is possible for you to do that but that you refuse to do that. But if you refuse to do that, not only will our negotiations not come to a result but public opinion will understand that you deliberately refuse to get out of South Vietnam.

You say that you have good will for a settlement, but in practice if this is not so, then the settlement will become impossible. Therefore, I move that we should discuss at the same time the military problem and the political problem.

That is my preliminary comment on the two major problems, the military problem and the political problem.

Therefore we would request you to think it over and to approach the problem in a more concrete way. Of course we shall further study your proposal today.

But I want to say that since we have achieved some progress today we wish that on the basis of the progress achieved, we shall go forward in the same direction.

Le Duc Tho will have some remarks.

Le Duc Tho: We have been saying that we have shown good will and because of good will we have put forward this nine points. And you made a statement on the nine points today, which shows that the nine points is an expression of our good will.

Your statement today shows that since we have begun to sit together it is the biggest step you have made, and the biggest steps made by us in the past.

Kissinger: We have both made steps.

Le Duc Tho: All right. Minister Xuan Thuy made some preliminary comments on your presentation today. We would like to draw your attention to the two points made by Mr. Xuan Thuy and ask you to think further about them. First, the date of withdrawal. Second, the change of Mr. Thieu. While on our side, we shall consider what you've been saying today and express our further views next time.

I would like to add one more point for today.

That is the question of the change in the Thieu Administration. That is the greatest obstacle to our progress. Because Thieu is very bellicose, very warlike, very dictatorial. This is known to the people of South Vietnam, and the American people know it too.

You have been recently to Saigon. You have seen many people there. You have seen the trend of opinion there. We may say that the people there want two things. First, peace. Second, the change of Thieu. Because their desire for peace cannot be fulfilled if Thieu remains there. Because if Thieu is maintained, no settlement can be reached and the situation cannot be stabilized. Suppose now that Thieu is maintained after the election, I think public opposition will become stronger.

If now the United States wanted to establish a new relationship with South Vietnam without changing Thieu, this new basis will be difficult to lay down. Now the change of Thieu is the yardstick of your desire to make peace or to continue the Vietnamization of the war.

Therefore, as far as we are concerned, we can tell you that if now you settle the question of the change of Thieu, we shall settle the question of the war not only in Vietnam but also in other countries of Indochina in a rapid way and a very satisfactory way.

We told you that we participated in the work of the 1954 and 1962 Geneva Conferences. You saw how reasonably we settled the problems at that time.

I tell you in a serious way that you have to replace Thieu. So if now the question of changing Thieu is settled, we shall make a big step forward and settle the problem rapidly and to the satisfaction of both parties. What I've been telling you is done in a very serious way. I tell you that we shall make a big step forward. It doesn't mean that when you have changed Thieu we will do nothing. We really shall make a big step forward.

My statement today is to tell you that we keep our word and we are serious when we tell you that we want to settle the problem. Moreover, the opportunity for the change of Thieu is favorable. If Thieu is changed, then favorable conditions will be created for a settlement.

So what I have told you today, Mr. Special Adviser, you will report to President Nixon and the seriousness of our statement today.

Kissinger: Yes, but let me tell you what he will say. "They only are asking you what you will do and promise some vague steps." What exactly is left for you to do, assuming we do what you ask?

Le Duc Tho: If now you decide explicitly that you will change Thieu, then we shall immediately make our response.

Kissinger: Like for example?

Le Duc Tho: We shall immediately discuss all the questions raised.

Kissinger: What's left? We are discussing them now.

Le Duc Tho: Because now we wonder whether you agree to change Thieu. Then all questions raised will be discussed. If you agree, then all questions you raised we shall discuss and resolve in a satisfactory way.

Kissinger: Are you saying that you won't discuss them if we do not agree?

Le Duc Tho: If you do not agree it will be difficult to make progress. I told you the last time that we have been fighting many years for political objectives, to achieve a genuinely peaceful, independent, and neutral South Vietnam.

But Thieu is opposed to peace, to independence and to neutrality. Immediately after publication of the seven points of Mme. Binh, you have a statement made by Thieu. He is so warlike.

We and the PRG want to talk with a government in South Vietnam standing for peace and for serious negotiations. We communists are

not alone in disliking Thieu. There are non-communists who don't like him. You want peace, and yet you maintain such a government?

Kissinger: Concretely, what do you mean by changing the government? What are we supposed to do?

Le Duc Tho: The other day Minister Xuan Thuy told you that if you wanted to change Thieu you have many means. Now I will give you an example of the means.

Here we are negotiating. We should speak frankly, sincerely.

Thieu has been put into power by you. If you wanted to change him, there are many means, but I give you one.

Because of the forthcoming elections if you want to change him, this is the opportunity to do that. I don't mean the forthcoming elections are really democratic, but they are a means, a favorable opportunity, to do that.

Now the Saigon opposition forces, the Saigon press, they believe that if you support Thieu he will win the election. If you do not support Thieu there is no possibility for him to win the election.

Now I repeat once again, I tell you seriously, that if you do that we shall make a big step forward to settle the problem rapidly.

Kissinger: Now let me tell you seriously, Mr. Special Advisor and Mr. Minister.

I sincerely believe that this summer represents the last opportunity for us to make a negotiated peace among ourselves.

If we fail, we will continue the Vietnamization policy. There will be more bloody war. Maybe you will win. Maybe you will not win. But at any rate it will end without negotiations. I will not even engage in vainglorious predictions of who will be the stronger under those conditions. But it will be long, and it will have incalculable consequences as we have already seen in the last three years.

But we sincerely want peace. And we sincerely want to make a negotiated settlement. And the sooner, the better.

Le Duc Tho: We have been fighting for so many years to have peace and independence for our nation. But we have not reached our objective, and the conflict is still going on. This is unavoidable for us. There is no alternative for us to reach our independence and freedom.

We have been telling you we want negotiations, to come to a negotiated peace. But with Thieu it is impossible to bring peace.

Kissinger: I must tell the Special Advisor two things, and I never play games with him.

I must tell him in all honesty that the President is becoming extremely restless with our progress and I am not sure how much longer he will permit us to continue. This is an objective fact.

Secondly, when you speak of the replacement of the Thieu Government, you must speak within the realm of what is possible for us.

If, for example, you say we should not support any one candidate in the election we can easily do it. We can keep such a promise if we make it. We can make sure that we will not support him and you will know whether we are doing it or not.

But we do not know how the people of South Vietnam will vote. If that is what you mean, and I say it very seriously, that we can consider.

Also, I believe that if we come to an agreement this summer on the circumstances we have discussed, with a defined limitation on our relationship with whatever government exists in Saigon, that in my judgment, from what I have seen in Saigon, will have a major influence on the result of the election.

But on the other hand, if you want a written promise or guarantee that we will replace the government, I will discuss it with the President, but I can tell you now that the answer almost certainly will be no.

So you have to choose.

If the war continues, the outcome you seem to deplore most—the political outcome—will become inevitable.

If we make a genuine settlement, I can certainly discuss with the President an undertaking that we would maintain absolute hands off the election and not support any candidate and that we will not interfere in the political evolution that will result.

So we have to both think about it. We have to decide, I'm afraid, next time because I doubt that the President will authorize many more meetings.

Xuan Thuy: Have you finished? Because I promised to finish the meeting at 6:00 p.m.

Kissinger: Peace is more important. If you have something to say, we should go on.

Xuan Thuy: I should say that in connection with the question of power in South Vietnam, we have not made any progress, but we should say that we hope for progress.

As Special Advisor Le Duc Tho said and I myself said many times, without a change of Thieu in South Vietnam, peace is impossible.

But we should emphasize the point that if you say that you will refrain from supporting any candidate in the forthcoming election in South Vietnam, this means that you support Thieu. This is the judgment in Saigon too. Because if the United States is neutral in the forthcoming elections, in practice it will be complicity with Thieu.

For instance, Le Duc Tho suggested one way to change Thieu is through elections. Another way, is if you will persuade Thieu not to present himself in the forthcoming elections. That is an easier way.

If you say now that every means is impossible for you to do, and you say at the same time that you have good will to settle the problem, then your good will cannot be achieved.

Now you said that if next time we should not settle the problem, then there will be no further meeting.

Kissinger: We have to make progress.

Xuan Thuy: The meeting problem—it is up to the United States.

Kissinger: Of course.

Xuan Thuy: You also said that if we didn't settle the problem you will continue Vietnamization and the war will go on. It is up to the United States too. As for the Vietnamese, we have to achieve our objective of genuine peace and genuine independence by any means.

Now should you have anything more to say, we are prepared to listen to you. Otherwise, we shall think over each other's statements and we shall meet together next time. You must make progress next time too; we should not be the only one.

Kissinger: Both.

Le Duc Tho: If progress is to be made, this is the only way if we want to go forward.

Kissinger: You know we have made an effort. Even you, who are not always full of praise, have said that we have made some progress today.

We have made suggestions to you on how point three could be handled. This seems to me the only difficult issue left. Maybe you could think about your ideas in concrete detail on how it could be met. We will think also, and let us see where we can meet.

Le Duc Tho: But you should also think about it concretely.

Kissinger: We will. But you should also think about what history will do. As Marxists this will not be difficult to do. When should we meet again?

Xuan Thuy: What do you prefer?

Kissinger: Tentatively, I have to check. I would propose July 26, because we are launching a moon rocket and I can say I am in Florida. Is that convenient?

Xuan Thuy and Le Duc Tho: Agreed.

Kissinger: 10:00 a.m.?

Xuan Thuy: Yes.

Kissinger: We may have to change. I will have to check when I get back and we will get the word to you. I doubt it though.

Xuan Thuy: Would the afternoon be possible? 2:30 p.m.?

Kissinger: I would like to be back in Washington in the evening.

Xuan Thuy: Agreed.

Kissinger: Thank you. 10:30 or 11:00, would be OK also for us.

Xuan Thuy and Le Duc Tho: What if we are asked if we have met?

Kissinger: I will deny it.

Xuan Thuy: It is easier for us if you deny first. We can say that he has said we did not meet.

Kissinger: Confidence is not your outstanding trait. I have nothing to lose by announcing it. It is in our mutual interest to keep the secret. If you want to announce it, go ahead.

Xuan Thuy: It is easier for us if you deny first.

Kissinger: I understand, but what if they ask you first?

Xuan Thuy: We shall deny.

Kissinger: Say Mr. Kissinger did not propose a meeting. If you refer to my statement, it sounds suspicious. My statement would be that I was in the house. My rebellious students would love it if I announced I saw you. I'm trying to preserve the Special Advisor's reputation with TV.

Let me say something serious. If we are going to make progress, let us avoid inflammatory actions which either side can interpret as pressure.

I will take to heart what the Special Advisor and the Minister have said about our actions. And perhaps they can consider some of the points I have made.

If we fail in these negotiations, we will have plenty of opportunities to bring pressure on each other. But as long as we have a chance of success, let us preserve it by not trying to take little advantages on either side.

Le Duc Tho: But you are launching military operations against the Plaine des Jarres.

Kissinger: I said that I would take what the Special Advisor said to heart. I must now sneak back into my house before my guests arrive.

Le Duc Tho: But you have a great deal of stratagems to do that.

11. Memorandum of Conversation¹

Paris, July 26, 1971, 10:30 a.m.–4 p.m.

PARTICIPANTS

Le Duc Tho, Adviser to the North Vietnamese Delegation
 Xuan Thuy, Chief of North Vietnamese Delegation
 Vo Van Sung, North Vietnamese Delegate General in Paris
 Phan Hien of North Vietnamese Delegation
 North Vietnamese Interpreter
 Two other North Vietnamese Officials
 Henry A. Kissinger, Assistant to the President for National Security Affairs
 Major General Vernon Walters, Defense Attaché
 W. Richard Smyser, NSC Staff
 Winston Lord, NSC Staff
 David R. Halperin, NSC Staff

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 1039, Files for the President, Vietnam Negotiations, HAK II 1971. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at the North Vietnamese Residence at 11 Rue Darthé. Brackets are in the original except where noted. In the list of participants, Nguyen Minh Vy's name was crossed out and Phan Hien's written in.

In a July 17 message to Foreign Minister Nguyen Duy Trinh, Le Duc Tho, and Xuan Thuy, the Politburo provided the North Vietnamese negotiating team with direction: "The basic goal of our diplomatic struggle at this time is to support the achievement of the strategic military missions that we have discussed with you. Only in that way will we be able to shatter the American 'Vietnamization' program. With this goal in mind, the immediate future is not yet the right time for a settlement. Timing is the important thing—acting too soon or too late would both be harmful to our cause.

"Therefore Brother Ba [alias used by Le Duan] and the others here at home believe that for the immediate future at least we should not put forward anything else [at the July 26 meeting], aside from the nine-point proposal we have already presented. If we hastily offer additional items, the enemy will think that it is because we are weak and will increase the pressure on us.

"The enemy's goal is a general framework. The current general framework is our nine points. We can take a few points from their seven-point proposal, but this is not yet the time to put anything else forward." (Message from the Politburo to Nguyen Duy Trinh, Le Duc Tho, and Xuan Thuy, 17 July 1971, in Doan Duc, et al., compilers, *Major Events: The Diplomatic Struggle and International Activities during the Resistance War Against the Americans to Save the Nation, 1954–1975*, volume 4, pp. 294–295)

Kissinger's report to President Nixon after the meeting was generally optimistic: "Although we did not achieve a breakthrough, we have clearly narrowed the issues to one question—the replacement by us of Thieu—and have now left Hanoi to make a decision between this meeting and the next one." In this meeting, and in all the previous ones and in many to come, the North Vietnamese repeatedly emphasized the necessity for the United States to get rid of Thieu, his government, and its policies, but especially Thieu himself, before progress could be made in the negotiations.

More generally, under the heading of "What We Have Gained," Kissinger listed three accomplishments:

"—A superb public record of genuine willingness to compromise differences and to let the South Vietnamese people decide their future freely. We have conceded everything even remotely reasonable short of a coup against Thieu—neutrality, limitation on military aid, a withdrawal deadline, a large economic aid program.

Kissinger: I was afraid you would try and take a vote by majority so I brought an extra colleague along with me. (Mr. Halperin)

Le Duc Tho: Anyway, we have a majority.

Kissinger: I have never won an argument with my colleague.

Xuan Thuy: What shall we do now?

Kissinger: Mr. Minister, we used to alternate, and I made the opening statement last time. Perhaps you would like to speak first today.

Xuan Thuy: If you would like to follow this order, then I shall take the floor now.

Kissinger: Thank you very much.

Xuan Thuy: We have carefully studied the views expressed by Mr. Special Adviser during the last meeting. The last time Mr. Special Adviser based himself on our 9 points to speak about his 7 points, and to combine both systems. Today I will follow the same method.

Mr. Special Adviser, speaking of our 9 points you said you agreed in principle to our point one. But you did not mention any time limit for complete withdrawal of U.S. forces and the forces of other countries from South Vietnam and other countries of Indochina.

Kissinger: I also said I thought the Minister was a little optimistic. But I won't interrupt.

Xuan Thuy: And you said only after an agreement was reached on a framework would you set a date for the withdrawal. If so, it will take time and no settlement would be rapidly reached.

We said that total withdrawal of U.S. forces and the forces of other foreign countries from South Vietnam and other Indochina countries should be completed by the end of 1971. In your reply you made no mention of that.

Regarding Point 2, we have made a step to meet . . .

Kissinger: Which Point 2, yours or ours?

Xuan Thuy: Our Point 2 . . . to meet your request on prisoners. This shows our good will. You said you agreed in principle and were

"—Also, a record of willingness to take steps and make efforts greater than those demanded by our domestic opposition.

"—A commitment by the other side stated even more clearly today by Le Duc Tho to release our POWs in exchange for a date. Though this is not enough today we can return to it in the fall."

Finally, Kissinger told the President:

"—I made clear that our meeting again would be a waste of time if they did not rethink their political position and consider new formulations. In turn I would try to be helpful on our residual technical/logistic presence. When I pointedly asked Le Duc Tho whether it was worth continuing the channel on this basis, he said it was.

"—We then agreed to meet again at 10:30 on August 16." (*Foreign Relations*, 1969–1976, vol. VII, Vietnam, July 1970–January 1972, Document 237)

prepared to mention a few more ideas. We shall consider your request. In our view, we feel no difficulty about the views you wanted to add.

Regarding our Point 3. On the one hand, you said it would be contrary to U.S. principles, and a betrayal of the people who had been working with the U.S. for a long time. Therefore we would like to ask, do you refuse to change the present Saigon administration headed by Nguyen Van Thieu?

On the other hand, you said that you agree with Point 3 if it means that the U.S. should refrain from political intervention in South Vietnam. The last time you said that the U.S. affirmed that it would not support any Presidential candidate in the forthcoming election. But the Saigon press and public opinion say that by furnishing the Saigon Administration with arms, in practice the U.S. is supporting Nguyen Van Thieu, although it says it is neutral in the forthcoming election.

Kissinger: One point. I'm not arguing but just wanted to understand. Is this what the Saigon press is saying or what you are saying?

Xuan Thuy: I mean that the Saigon press and public opinion says that after aiding the Nguyen Van Thieu machinery, if now the U.S. said it will be neutral in the forthcoming elections, in practice it will be supporting Thieu.

In practice it is our view also.

And in your seven points you made no mention about the Saigon Administration. It is not a separate part of your proposal.

In our view, we think that if this question is not mentioned in your program, if this question is not clearly stated in our discussion, then the subjects of our discussion, political and military questions, are not clearly reflected in our discussion, and if so our discussions cannot make rapid progress. If so we will be faced with more difficulties, and the question of South Vietnam will not be settled.

Last time, Mr. Special Adviser, you said you would carefully consider this question and by the next session, which is today, you would express your views. I would expect to hear from you later.

Kissinger: That is mutual.

Xuan Thuy: With regard to Point 5, you said that it would be not difficult for you to agree in principle with it, but you would like to see another formulation. We shall consider this view, this question. We shall discuss and try to express the facts, history, reason.

Kissinger: I think if we can concentrate on reason and go easy on history, we will make more progress.

Xuan Thuy: Both are important, because history and reason are linked.

In Point 6, we have shown our good will in a reasonable proposal for the settlement of problems concerning the Indochinese countries.

Mr. Special Adviser you proposed that we should remove the last sentence of our proposal. I do not understand yet the reason for your request, but we shall discuss that.

Regarding our Point 7, you said that you agreed in principle. You said that once agreement is reached on the above Point 6, then a cease-fire should be agreed. You proposed to add a few more ideas. I think your request could be considered.

Moreover, Mr. Special Adviser said the last time that Point 4 and Point 5 of the seven points of the PRG could be agreed upon. We have no objection to that.

Kissinger: You mean you accept your own points.

Xuan Thuy: You said last time . . .

Kissinger: We said they could be considered.

Xuan Thuy: As to our Point 8 and our Point 9, you said that you agreed to them. I have nothing to add. When the time comes, we shall discuss these points in detail.

As for our Point 4, our views have been clearly expressed in Point 4 of the 9 points. We have clearly stated the responsibility of the United States for the loss of human life and property caused during the war in both North and South Vietnam.

You want to raise the question of aid. We shall consider your views.

After considering our views and your views expressed at the last meeting, here is the conclusion we have come to:

We have made some progress in the sense that we have agreed to take our 9 points and your 7 points as the basis for discussion. However, there are two crucial points on which your views are not clear yet.

The first crucial point is the question of troop withdrawal. You said that you agreed to the principle of U.S. troop withdrawal linked with the question of prisoners. The two operations begin on the same date and end on the same date. But what is important is a date on which U.S. troop withdrawal would be completed. You have not been clear, you have not mentioned that point.

As for us, we have been clear in saying that the troop withdrawal from South Vietnam and other Indochinese countries should be completed by 1971.

The second crucial question is the question of power in South Vietnam. We have been clear in saying that you should change the present ruling group headed by Nguyen Van Thieu. As for you, this question of power in South Vietnam is not one point among your 7 points. Moreover, the views you expressed last time were not clear.

Now you said we should agree on a framework, but these two questions are not included in the framework. These two questions are the spinal cord of the framework.

Le Duc Tho: What is a framework without a spinal cord?

Kissinger: I think the Special Adviser did some drafting here.

Le Duc Tho: A framework without spinal bones would collapse.

Xuan Thuy: We have made a big step forward by proposing 9 points. We have shown great flexibility by meeting your request on prisoners. We have raised one important question that we should settle, not only the question of Vietnam, but also the question of Indochina. We have expressed our desire to find a reasonable, logical, lasting settlement for the whole region of Indochina so that this region will become peaceful, independent, and stable. We have also expressed our desire that after the war and the restoration of peace, our two countries would establish a new relationship in the interest of both Vietnam and the United States.

Such are our views. I hope that today we will be able to clarify the crucial points we have raised. I expect now to listen to you, Mr. Special Adviser. Before that, I would like to give the floor to Mr. Special Adviser Le Duc Tho.

Kissinger: Thank you, Mr. Minister.

Le Duc Tho: Minister Xuan Thuy has just expressed his comments on your views regarding the framework. I have a few words to add.

I have made a broad retrospective view to see your interests, how you want to settle the Vietnam problem, and how you pose the questions for settlement. Also, how we have posed the questions for a Vietnam settlement, and to see what you and we should do to settle the Vietnam problem, the question of the war in Indochina.

Then I have seen that for so many years the U.S. has been interfering too deeply in the war of Vietnam and Indochina. And in the process you have met with many setbacks and you are faced now with many difficulties in settling the Vietnam problem and the Indochina problem.

We realize that you are now desiring to extricate yourself from the war in Vietnam and Indochina, but we think you are calculating the best way to withdraw from the war. According to your calculations, you want to withdraw by two ways. First, by negotiations. Second, by Vietnamization of the war. These two ways mutually assist each other.

By Vietnamization of the war you want to maintain in South Vietnam a strong army and a strong Administration so as to negotiate.

And in the negotiations you want also to negotiate in such a way that will ensure the Vietnamization of the war.

So if a settlement is reached, you will have strong power in South Vietnam that will enable you to continue the implementation of your neo-colonialist policy. But if no success is brought by negotiations, you will devote your efforts to Vietnamization to reach your purpose, to turn South Vietnam into a neo-colony.

Such are your aims, and in view of these aims, you pose the problems so as to reach these aims. That is the reason why, during so many meetings we have had up to now, your intention is always to separate the military problems from the political problems of South Vietnam.

You only want to settle the military problems and you do not want to settle the political problems, so as to maintain the Nguyen Van Thieu Administration as an instrument of Vietnamization policy. That is the reason why you try to elude discussion of this question. You only pay attention to military questions.

In settling the military question, your aim is to be able to withdraw very slowly. Then you will withdraw so that either by negotiations or other means you will be able to maintain the Thieu Administration. Your aim is to keep the Thieu Administration in office.

Therefore we have made the proposal about the withdrawal of troops linked to the release of prisoners and after several meetings you are still not able to set a time limit for withdrawals, and you put conditions for setting a time limit.

Now you propose your 7 points, and you say that agreement should be reached on the framework. This reflects your interest in separating military questions from political questions. You proposed a framework and we said that we would consider the framework you proposed. Now after consideration we think you have agreed to points which are advantageous to you. For instance, Point 4 and Point 5 of the PRG proposal, Point 8 and Point 9 of our 9 points are agreed upon by you because these points are to your advantage. Therefore you agree to them very rapidly.

The alterations prepared by you to points are also motivated to give you advantage, for instance Point 4, Point 5, Point 6, Point 7.

But there are two crucial points mentioned by Minister Xuan Thuy as the spinal bone of the framework which you place outside of the framework.

In a word, the points you agree to and the points for which you have proposed alterations are of secondary importance, but as to the two crucial points your way of posing the problem differs from ours.

In these points there is a certain flexibility on your part. That is, you have withdrawn the two months time for release of prisoners before the complete troop withdrawal.

As we have said, we have made some progress, but the progress we have made concerns very small points, very secondary points. As to the points on which we have not agreed, they are the crucial points.

You say you want to make rapid progress. We too say we want to make rapid progress. But your way of posing the problem will lead to very slow progress. There is a contradiction between your desire to

make rapid progress toward a settlement and your aims, your goals. You want a rapid settlement but your desires, your ambitions, are great. So there is a contradiction that hampers a settlement because your concessions are in dribblets. They are in a very small quantity. If I can say here in an imaginative way, the proposals, the concessions you are making here in dribblets are comparable to your troop withdrawals in dribblets.

If we now compare our nine points and the seven points of the PRG, with a great deal of precision and detail, with your seven points, there is a great deal of difference. We can say that our proposals have been made in a spirit and context showing great flexibility, logic, and reason.

Kissinger: You don't think the Special Adviser could be a little prejudiced?

Le Duc Tho: This is very objective, not prejudiced at all.

Because to the seven points proposed by the PRG there is no objection. Even you cannot object.

Kissinger: I think I could develop some objections if I try.

Le Duc Tho: Objectively you can't.

So our proposals are aimed at reaching a settlement for the whole of the problem, to bring about a serious and good-willed discussion on both the military question and the political question, both to the Vietnam questions and the Indochina questions. Only in such a way can we really put an end to the war.

We agree with you that we should first agree on a general framework, and starting with this general framework we should go point by point into details. The general framework should be agreeable to both sides.

But to reach an agreement on a general framework, first we agree on the two principal points, Points 1 and 3. If we agree in principle on these two questions, then other questions can be settled easily. Because we have agreed in principle on Points 8 and 9 of our proposal and on Points 4 and 5 of the PRG. Minister Xuan Thuy said we would consider Points 4, 5, 6, and 7. These points are secondary points.

Kissinger: Our points.

Le Duc Tho: Your views on Points 4, 5, 6, and 7 of our proposal. But these points are secondary points. If we can settle the two principal questions, the military and the political, the settlement of the other points will be easy.

Now I would like to know whether you agree to this way of discussion, both military and political, and to reach a settlement, because these two questions are the spinal bone of the framework. Without the spinal bone, the framework will collapse.

I would like to ask you another question. What is the way of negotiating now to settle the problem, the whole of the problems?

Now there is a final idea I would like to explain to you.

You are faced with many difficulties in Indochina. You want to get out of these difficulties. The last few years you have been trying to go here and there to seek a way out. I don't know whether you have drawn experience from this, because I think your efforts are vain. I think you make the problem more complicated for yourself, because you don't get the results you expect. There is no magical way to settle the problem of Vietnam outside of serious negotiations here in Paris on the basis of our proposals and your proposals.

In the game of chess, the decisive party to win or lose the game is the participant. There is no other way.

In settling our problems we have been independent the last few years. If you really want serious negotiations, I think you should not engage in these magical ways. I think you should engage in serious negotiations. We are prepared to discuss things with you. We should not be tortuous.

These are the views I express to you today. If you do not want to settle problems and don't want to meet our requests then it is difficult for our negotiations to be successful. And if the negotiations do not succeed, then the war will continue.

I believe you do not want such a state of things. We do not want it either. But if you do not want to negotiate seriously, we have no other way.

If the war continues, we are firmly confident in our success, in our victory. Because the socialist countries will continue to aid and support our people's struggle. And we shall continue to unite with socialist countries in our struggle, with the world's peoples in our struggle and our just cause will win. There is nothing which can alter the course of history.

I have finished.

Kissinger: I appreciate the remarks of the Minister and of the Special Adviser, which were, for the most part, constructive and put forward in a positive spirit.

Now, let me first ask some questions and then I will make some observations.

The Minister said on a number of our points that he would consider them. I don't understand what that phrase means. Does that mean he will consider them positively or negatively?

Xuan Thuy: Positively.

Kissinger: The Minister said with respect to a number of points that he would consider our proposals. Our experience is that you trade

a concession on our part for consideration on your part. We want to make sure we get an agreement.

Xuan Thuy: (laughs) Our line is always to follow a positive discussion to settle the Vietnam problem.

Kissinger: I won't pursue the point, but I want to point out that my first experience with these talks was in 1967, when we were told that certain actions on our part would lead to constructive talks and discussions. Here we are in 1971. I want to make sure that when Minister Xuan Thuy considers these things, that will not take us until 1975, when you come to a decision.

Xuan Thuy: If our discussions here have not had rapid results, it is due to you.

For instance, we demanded that the bombing of North Vietnam should be completely stopped before we discussed all other questions. If the U.S. Government had agreed to this request very rapidly, we would have settled rapidly, but the U.S. Government took over five months to agree to the very same points that were put at the beginning of negotiations.

A second example, is when we began the four party conference. Our consistent demand was that we should discuss both military and political questions. But you eluded discussing these two questions, and so we have been for over two years now.

A third example is on the question of POW's. This is a question of the aftermath of the war, the consequence of war. But we are prepared to settle problems if we can come to an agreement on the military and political questions. The question of prisoners is not difficult at all.

But you want to use the question to overshadow the other questions and therefore the negotiations are protracted. And now we have shown clearly the good will in this question of prisoners, but you refuse to discuss military and political questions, you refuse to set a date for troop withdrawal, you refuse to give up the Saigon Administration, and you don't want to discuss the question of the Administration in South Vietnam.

Le Duc Tho: I want to add one observation. Mr. Harriman, after his participation in the talks here, he went back. I have read a translation of what he has written. Harriman shows the experience on settling the question of stopping the bombing. I believe you have read the book too. And I think Mr. Special Adviser should learn lessons from Mr. Harriman and not follow the same way as he.

Kissinger: I am certain that once I am out of office, all questions will seem as easy for me as they now are for Mr. Harriman.

Xuan Thuy: Anyhow, you can draw some experience from that.

Kissinger: I hope for both of us that I may draw it before I leave office. We do not want to wait six years before settling the war. Let me ask another question.

The Minister said with respect to his Point 2, that he would consider our request of clarifications on the release of prisoners. Does that mean that he will consider furnishing a list on the day agreement is reached and that prisoners throughout Indochina will be released?

Xuan Thuy: Regarding our Point 2 of our nine points, Mr. Special Adviser last time requested that we put some more detail. I say now we should consider these additional matters. That means that after we agree on a terminal date for troop withdrawal, we can then consider the question of furnishing a list of military men and civilians captured during the war.

Regarding the question of prisoners throughout Indochina, I have told the Special Adviser that concerning the Indochina questions we shall reach agreement here and we shall exchange views with our respective allies.

Kissinger: What is your judgment about your degree of influence with your allies? On this point, I have great confidence in your persuasive power.

Xuan Thuy: I have only repeated your views expressed the other day. I agree to your views.

Kissinger: One final question. I have noticed that our Point 2 has disappeared from the discussion of my colleagues.

Xuan Thuy: Is that the one regarding outside forces?

Kissinger: Yes.

Le Duc Tho: You should give an answer to my question, do you agree to the way of posing the problems and of discussing the problems, do you agree to reach agreement on the two crucial questions and then we will discuss this issue. You should answer that.

Kissinger: I'll answer that. I am entitled to an answer from the Minister on my question, since I always answer his questions.

Xuan Thuy: I think in your Point 2 you raise the question of mutual withdrawals. But previously you said you would not put on the same legal footing U.S. forces and the Vietnamese people fighting against aggression. We made remarks on your point, and now you put the question again.

Kissinger: We have agreed that it should be discussed in another forum, but we want to know if you agree in principle that the forces of North Vietnam should remain within the frontiers of North Vietnam like the forces of others will do.

Le Duc Tho: This question cannot be put in such a way. We have put the problem in our Point 6. (Le Duc Tho at this point reads their

Point 6.) We do not pose the question as you do. And I cannot give an answer to your question to settle this problem since you have not fixed any date for withdrawal and you have not answered our Point 3 about maintaining the Thieu Administration.

Kissinger: One final question, and then I will reply to my two opposite numbers.

The last time, when the Special Adviser made his eloquent speech, he talked about replacing Thieu. Now he keeps talking about the Thieu Administration. Has there been a change in position?

Le Duc Tho: There is no change in our position at all, because when we speak of the change of Nguyen Van Thieu or the Thieu Administration, we do not mean the change of person but of the policy. Because even now if you change the person, and not change the policy, if there's the same policy of war, bellicose, dictatorial, fascist, there's no change at all. We speak of Thieu because he symbolizes and embodies this warlike and fascist policy.

Kissinger: Let me reverse the question. Suppose Thieu changed his policy. Would you accept him? If it is not a question of persons.

Le Duc Tho: With a person like Nguyen Van Thieu, I don't think that he can change his policy overnight. There should be another person with another policy.

This policy has been opposed by the population in South Vietnamese cities and towns for many years now. This policy is reflected in the person of Nguyen Van Thieu.

Kissinger: So as soon as he leaves, you will go back to your request for a government of national concord?

Le Duc Tho: After the formation of a new administration favoring peace, independence, and neutrality, this new administration will enter into serious negotiations with the PRG regarding all military and political questions, including those raised by the PRG. As I told you the other time, if this change is brought about, then we will seriously, rapidly, logically, and reasonably settle the problem.

Kissinger: But I am not sure what change the Special Adviser wants. What should the government look like?

Le Duc Tho: As I told you the other time, we request a change of person and of policy. Because if you change only the person, and the policy is the same there is no change at all. But if you keep Thieu with such a person no change of policy is possible. Even if you affirm such a policy is changed, the people of South Vietnam will not believe it.

Kissinger: I have the answer to my question. Now let me make a few observations.

At the end of his presentation, the Special Adviser asked me two questions. First, in what way we thought of settling the problem. Sec-

ond, whether we agree to discuss military and political questions together. I shall save the first question to the end of my presentation.

With respect to the second question, we discussed at our last meeting the nine and the seven points. I have acquired the impression that your Point 3 is a political point.

I am prepared to state formally that we are prepared to discuss Point 1 and Point 3, as part of a final settlement that includes all other parts.

And therefore, the answer to your question is that we are prepared to discuss political questions, although our answer is not the same as yours.

Mr. Special Adviser has made an analysis of our strategy in pursuing the war and the negotiations. Since I do not pursue the same tactic as Mr. Special Adviser and the Minister of never approving anything the other side says, I have to admit that it was a very intelligent analysis.

Le Duc Tho: Because it concerns the facts.

Kissinger: He never quits while he's ahead.

By the same token, I believe that the strategy of the Minister and the Special Adviser is to bring about two results: to get us to withdraw our troops as quickly as possible, and by this method or otherwise, to change the government in Saigon.

In other words, the Special Adviser is proposing to us not that we make a compromise, but that we hand Hanoi its objective as part of a settlement.

I respect this tactic, but it is not possible to get this in these negotiations. We must both be realistic. Neither of us will sign an agreement which hands to the other all of its objectives. You say you prefer to continue the war to accepting conditions which you consider unreasonable.

We will continue the strategy which the Special Adviser very correctly described if we cannot get a reasonable and rapid negotiated settlement.

We are prepared to make compromises, and we genuinely want a rapid settlement.

But if you continue to call reasonable the acceptance of your proposals and if you consider it a concession simply to discuss our points, then there will be no solution, rapid or otherwise, and we might as well be realistic.

If you are not willing to compromise, you will have to fight for what it is you want. And then we shall see what the consequences are. There is no sense boasting on either side.

Now let me turn to your points.

I owe you an answer to Points 1, 3, and 4.

On Point 4, it is the easiest, and I will therefore take it first.

I told the Minister the last time I was here that I would study in Washington what is possible in the field of economic aid. The President is prepared, upon signature of an agreement in principle, to go to the Congress and to recommend to the Congress a five-year program of assistance for all the countries of Indochina.

The sum he is prepared to recommend to Congress is about seven and a half billion dollars over a five-year period, of which two to two and a half billion dollars would be dedicated to North Vietnam.

The question of repayment would not be a problem. Over two-thirds of the funds would be in outright grants. The remainder would be in very long term, very low interest rate loans which pose no practical problems of repayment. Even that is adjustable.

There would be no conditions attached to this assistance program.

We propose this as a sign of our desire to start a new relationship with the people of Indochina and especially with the people of North Vietnam.

Now as to Point 1.

We are prepared to fix a date for the withdrawal of all our forces as well as the forces allied with us, to be completed nine months after the signature of an agreement.

Now let me turn to Point 3 of yours. If the Special Adviser would prefer to discuss our Point 3, I would be prepared to do that too. I agree that Point 3 is the crucial problem for your side.

What you are asking us is to replace the Administration in Saigon, and to substitute for it an administration which you consider peaceful by your special definition, and therefore to bring about the objectives that you have fought for by our actions.

We have told you on innumerable occasions that we cannot do this because it is beyond our power to do it, and because it would be dishonorable to do it.

You cannot expect us both to withdraw from Vietnam rapidly and to do all your political work for you.

If these are your last words, we will withdraw at our own pace, and you will have to do your own political work. We have shown our good will, both by the proposals we have made with respect to Point 4 and by the proposals we have made with respect to Point 1, and I will now give you some observations on Point 3 in addition.

We have told you on innumerable occasions that we are prepared to accept the outcome of any political process which develops after our departure.

We believe that our withdrawal will have certain consequences, as you yourselves have repeatedly pointed out.

Le Duc Tho: Please be more precise on the last point. (At this point he repeats a certain passage of what Dr. Kissinger said and Dr. Kissinger repeats the passage for Le Duc Tho.)

Dr. Kissinger: Since the Minister and the Special Adviser have pointed out to me at each of our nine meetings that the Saigon Administration is maintained by our forces, then the withdrawal of our forces must have certain consequences.

Secondly, we believe that the announcement of our withdrawal will have consequences of a major political nature even before the withdrawal is completed.

We believe that our readiness to accept some of the elements of Point 5 of Mme. Binh's proposals, specifically the provisions for neutrality, will have major political consequences in South Vietnam. We believe that an announcement of our readiness to accept certain limitations on our military assistance to the government in South Vietnam will have major political consequences, first when it is announced and then when it happens.

We believe that a declaration of total neutrality on our part in any political contest in South Vietnam will have a major political impact both when it is announced and when it is carried out.

We are prepared to make all these declarations and we are prepared to carry them out scrupulously as part of a settlement.

In short, we are willing, insofar as this is now in our power, to undo those distortions of the South Vietnamese political life that our presence and interference may have provoked.

We are not prepared to take an active part in bringing about the solution you wish. We want the people of Vietnam to be genuinely free to choose their own future.

So the choice is up to you. We are prepared to make a settlement rapidly.

Le Duc Tho: (interrupting) Please repeat your last sentence.

Dr. Kissinger: (repeats the sentence) Do you understand. I don't want you to fight among yourselves.

Le Duc Tho: What do you mean by "distortions"?

Dr. Kissinger: To the extent to which our presence and our even unintentional intervention helps one candidate or another.

Le Duc Tho: That is clear.

Dr. Kissinger: So the choice is up to you.

We can make a rapid settlement, in which case the political process would start sooner, or we can continue the war for a while, in which

case the best you can expect is to have the political process begin later which we are prepared to start now.

By the Special Adviser's own analysis, after our unilateral withdrawal is complete and after Vietnamization is complete, no matter what you do, we will not be able to fulfill the conditions of what you ask, under Point 3.

We do not want a neocolonialist position in Vietnam. We are not changing our foreign policy and withdrawing forces from all over the world in order to maintain a colonial position in this little corner.

Vietnam is your only problem. It is only one of many for us. We would like to bring it into its proper perspective.

Over an historic period, I repeat, we are no threat to your independence. There are many other countries, including some much closer to you, which are much better candidates for that.

As we made clear in our response to Point 4, we want a relationship of cooperation and ultimately friendship with all the people of Indochina and particularly the people of North Vietnam.

We know we have to settle the war in Paris if it is to be settled by negotiations. We respect and admire the spirit of independence which you have shown and which we do not expect you to give up at this stage, and which we do not want you to give up.

We have to travel on many roads, some of which will appear tortuous to you, not all of which are related to your future or to our discussion here.

We will not seek solutions in other places except here. It is in this spirit that I would like to answer the first question of the Special Adviser, which way do we proceed from here?

Le Duc Tho: My question is how do we proceed from here.

Dr. Kissinger: That is what I was now going to answer. I would like to make a specific practical proposal, unless the Special Adviser thinks it is no use after hearing me.

Le Duc Tho: Please.

Dr. Kissinger: My specific proposal is this. We have two categories of issues. Issues of principle and issues of technical detail.

I believe that for the technical issues, this forum takes too long and can meet too infrequently.

I therefore propose, but I am open to suggestions, that if we continue these negotiations, that we agree here on a statement of principles in considerable detail, and that we give those principles to our delegations at Avenue Kleber, that they work on the details there. If there is any deadlock, we can meet again to try to resolve it.

These are all of the remarks I want to make today.

Could I ask the Special Adviser a personal question?

Le Duc Tho: Please.

Dr. Kissinger: In what language did he read Harriman's book?

Le Duc Tho: In translation. In Vietnamese. (The interpreter said that he had translated it for the Special Adviser.)

Dr. Kissinger: I would put up with the Special Adviser knowing French, but if he also understands English it is too much because that gives him three cracks at my remarks. I don't want to give him too many advantages.

Le Duc Tho: But you have full time for thinking about what we have been saying. Anyway, deep thinking is necessary.

I propose now a little break.

(At this point a break was taken which lasted about an hour. During the first fifteen minutes or so Le Duc Tho met with Kissinger on the balcony for a relatively informal chat. Dr. Kissinger made a brief allusion to his stay in China by saying that when he returned from his trip he had gained a great deal of weight. Le Duc Tho did not open up this area for discussion any further. Le Duc Tho again expressed his assumption that the CIA overthrew Sihanouk despite Kissinger's firm denial.)

Kissinger: Where are my notes? [To the Vietnamese interpreter] Have you got them?

Xuan Thuy: You are an absent-minded professor, perhaps?

Kissinger: When I invite you to Harvard you will be allowed to speak fifty minutes, the Special Adviser on history and the Minister on diplomacy.

Xuan Thuy: To speak shortly is more difficult. To speak at length we excel.

Kissinger: As Ambassador Lodge and Ambassador Bruce have found to their sorrow.

Xuan Thuy: I tell you this privately. You should not convey this to Ambassador Bruce, for if Ambassador Bruce becomes impatient, he has to leave.

Kissinger: I must tell you this now; I was going to tell you later. He is sick, with a circulatory disease, and must be replaced in the next few weeks. This is no reflection on our discussions, and is not a political act. He is seventy-four years old. His replacement will come within one or two weeks after he leaves, so there will be no problem. We will replace him with Ambassador Porter.

Xuan Thuy: And Mr. Habib?

Kissinger: He will leave. He will not stay here. He is here just for transition, only a week or two.

Xuan Thuy: It is up to you.

Kissinger: I just wanted to inform you.

Xuan Thuy: After the views expressed by Mr. Special Adviser Kissinger I would like to put a few questions and after those questions I will make a few observations.

My first question is about the total withdrawal of U.S. forces and those of other foreign countries from Vietnam and from the other countries of Indochina. I would like to ask you this for clarification. What we are asking is total withdrawal of U.S. forces, including army, navy, air force, marines, weapons, armaments, military bases, military personnel, military advisers, etc. Mr. Special Adviser refers to all U.S. forces sometimes, but here and there, for the press and in other places, there are references which are different to what we say here. Please be clear on that point, and give us more clarification on that point.

Kissinger: We propose the withdrawal of all organized military forces; all bases, purely American bases, will be given up; and the withdrawal of all advisers with combat units.

Xuan Thuy: Advisers to Saigon combat units?

Kissinger: Yes.

Xuan Thuy: You mentioned organized military forces. What do you mean by that? What about unorganized military forces?

Kissinger: I can't get away with anything.

Le Duc Tho: You've stopped me many times before.

Kissinger: No, it's a good question.

We would propose to keep a very small number of technical and logistic personnel to supervise American equipment, a number fixed in the agreement and progressively reduced.

Le Duc Tho: But all the equipment will be withdrawn. What equipment will be left?

Kissinger: We must understand what you mean by equipment. All the equipment belonging to American forces will be withdrawn, not material that belongs to South Vietnamese forces.

Le Duc Tho: But you propose to leave behind technical and logistic personnel to supervise American equipment. Since equipment belonging to American forces will be withdrawn, what equipment will there be to supervise?

Kissinger: There are two things. First, these personnel would help for a limited time to maintain and train Vietnamese personnel in the technical aspects of complex equipment of South Vietnamese units. Second, they would supervise distribution of whatever new equipment would be permitted in the agreement.

We are talking here of very small numbers; we are not talking about tens of thousands. This is a number we can specify in the agreement

and progressively reduce to a normal military attaché office with a slightly enlarged function.

Xuan Thuy: In the office of the U.S. military attaché in the U.S. Embassy?

Kissinger: Yes. As is the normal case.

Xuan Thuy: You say that it will be in the normal military attaché office with a function a little enlarged. What will be the number of the members in the military attaché office? Also originally, at the beginning, what number of technical and logistic advisers do you intend to leave behind?

Kissinger: I frankly have no precise numbers. We haven't studied this yet in detail. But I can tell you that it will be considerably smaller than the number of troops in the country when combat troops were sent in 1964. I would think, without giving specific figures, that the number that would be left when withdrawals are completed would be considerably less than 10,000 and would be progressively reduced thereafter. And there would not be any organized military units.

Le Duc Tho: And you mentioned about the military attaché office being broadened later on. Do you mean that the functions will be broadened, and do you mean also that you will broaden the number of personnel too?

Kissinger: To give you a serious answer, I would like to do what we did on economic aid, study this question and give you an answer next time. I can say now that when that point is reached, it will be much less than 1,000. The functions will be confined to the technical equipment and would have nothing to do with combat.

Le Duc Tho: And training?

Kissinger: No. No training.

Xuan Thuy: You said they would be for training Vietnamese personnel.

Kissinger: It would be for maintaining equipment, not for combat purposes. We could agree to end the training function for everything, say a year after the total withdrawal of U.S. forces.

Xuan Thuy: You have finished?

Kissinger: Yes.

Xuan Thuy: My second question is, what is the reason why you cannot set a specific date in 1971 for troop withdrawals? And you propose nine months. What is the reason?

Kissinger: First, as I recall, nine months was proposed by the Minister himself in September last year.

Xuan Thuy: (Smiles) The terminal date proposed at that time for troop withdrawals was June 30, 1971, so I said roughly nine months. I said it was a terminal date. But you have no terminal date.

Kissinger: I want to have the Minister set a terminal date. All you have to do is sign an agreement and there will be a terminal date nine months later. You have an obsession with the terminal date.

Le Duc Tho: But you explain too simply.

Kissinger: I'm trying to learn, but I am a slow student. I think the Minister knows why we are doing what we are doing.

Xuan Thuy: My third question is about the political question. You said you were prepared to settle both military questions and political questions in this forum of private meetings. But when you discuss, you don't discuss political questions but only how to influence the process in South Vietnam. Therefore, when and how shall we discuss political problems? I would like to know if political problems will make up one of the items of our agenda?

Kissinger: The Minister has a very special definition of discussing political problems. His definition is that we must discuss the replacement of the existing government in Saigon. We are prepared in any agreement in principle which we make to state a number of political propositions such as neutrality, limitations on aid, and other matters. That in itself is a political discussion. As for the domestic structure in South Vietnam, we've always said we are not competent to discuss it alone.

Xuan Thuy: Mr. Special Adviser referred previously to the Indochina question. I would like to know, how do you visualize settlement of this Indochina question?

Kissinger: What does the Minister mean by the Indochina question?

Xuan Thuy: For instance the question of cease-fire, the question of prisoners in Indochina countries which you refer to. These questions are linked to military questions and political questions concerning these Indochinese countries. For instance the question of the 1962 Geneva Agreements and so on. How do you envisage that we will settle these questions?

Kissinger: We believe, first, that the political solution of each country in Indochina should be discussed first by the various parties in each country.

I believe, secondly, that this meeting here could make recommendations to the parties on some of the military issues, such as cease-fire and release of prisoners.

Thirdly, there could be an international guarantee for these various arrangements and also the provision of international supervision such as you proposed in your Points 8 and 9.

I do not believe personally, but we are open on this, that the exact membership of the Geneva Conference of 1954 is necessarily the best grouping to provide this, and we would be open to your suggestions

on what countries would be best to provide international supervision and guarantees. We both have the same interests in this respect, to get a reasonable group, and I think we could agree.

Xuan Thuy: Are you finished?

Kissinger: Yes, thank you.

Le Duc Tho: I have one more question. Have I correctly understood you? The problems concerning Laos will be settled by the Laotian people themselves.

Kissinger: By the Laotian-speaking people, not the North Vietnamese-speaking people.

Xuan Thuy: Would the Laotians who speak Vietnamese well be allowed to come to these discussions?

Kissinger: That's right.

Xuan Thuy: The Cambodian problems will be settled by the Cambodian people. The Vietnamese problems will be settled by the Vietnamese people. After that settlement there will be an international conference to guarantee the agreements reached?

Kissinger: Except for those aspects here, such as cease-fire and prisoners of war and neutralization, and of course withdrawal of our forces.

Le Duc Tho: Then where will these questions be discussed?

Kissinger: Here and at Avenue Kleber for details.

Le Duc Tho: But the troop withdrawals and release of prisoners concern only South Vietnam, not the Indochinese countries.

Kissinger: As I understand the Minister and Special Adviser, they have pointed out to me that your proposal concerns all Indochina and that this is one of the big differences between your 9 points and the 7 points of Mme. Binh.

Secondly, you must understand that it is absolutely not possible to make peace unless all prisoners in Indochina are released. That is not open to discussion. How you accomplish this is your problem, but I have great confidence in your persuasive powers.

We do not insist that the details of everything be worked out at an international conference.

Le Duc Tho: Then what will the international conference deal with?

Kissinger: Suppose we agree on a cease-fire, to give you a concrete example. The international conference would deal with the technical supervision of the cease-fire, e.g., how many teams, where they should be.

Similarly with neutrality. Suppose we agree on the neutralization of all the countries of Indochina. Then an international conference can guarantee this and recognize it.

We are not asking that an international conference work out the conditions of our arrangements.

Le Duc Tho: That is understood.

Kissinger: You see we take the Special Adviser seriously when he says that we must make peace directly. I am serious about this.

Xuan Thuy: Now I would like to speak a few words.

First, I agree with Mr. Special Adviser Kissinger on the way to conduct negotiations for a peaceful solution of Vietnamese problems. That is to say we agree to these two forums. First, this forum to discuss, to negotiate, to settle all questions of principle and a number of important details. The second forum to negotiate and settle details on the basis of the principles agreed upon.

Kissinger: I understand.

Xuan Thuy: When there is a deadlock at Kleber Street on details, we should meet again here. We hope there is no deadlock, and it goes smoothly.

Kissinger: Of course, we haven't even agreed here.

Le Duc Tho: There is a roadblock.

Xuan Thuy: Now may I make my remarks on the content of the questions to be discussed here.

Kissinger: Right.

Xuan Thuy: But I will express my remarks on principal points only, because on the other points I will speak to them later. These are preliminary remarks.

Now about the time limit for troop withdrawals. First, you say that the period of nine months is based on my view. It is not true. My view concerns a terminal date.

Kissinger: I don't want to claim too much. This was not our governing consideration.

Xuan Thuy: I've repeatedly said that when President Nixon proposed a time period of twelve months for troop withdrawals, Mr. Special Adviser at that period mentioned twelve months and at Kleber Street the U.S. Delegation mentioned also a twelve month period. I remember when you proposed a twelve month period and then the twelve months constantly remained. But it must be fixed. You say that tomorrow here we will discuss the question. But tomorrow will remain always. It is like an advertisement in a restaurant that tomorrow you will dine free.

There should be a specific date so that you will make an effort to fulfill things at that date. Nine months is new, it is a shorter period than twelve months, but without a fixed date it is the same.

Kissinger: But if the Minister signs our 7 points today, today he has a very specific date in front of him.

Xuan Thuy: You have raised many points, and we can't sign an agreement today.

Le Duc Tho: Thus if you agree to a withdrawal date today, we will release prisoners and have an agreement.

Kissinger: There is a possibility for a greater agreement. Mr. Special Adviser will be blamed in Hanoi if he gives up 7 of his 9 points.

Le Duc Tho: We shall continue to discuss the other 7 points.

Kissinger: To be realistic, let's settle an agreement as quickly as possible, and then you have a fixed deadline and the question becomes academic.

Xuan Thuy: Another remaining issue is connected with political problems. Mr. Special Adviser endeavors to elude the substance of this question. You said that to replace Nguyen Van Thieu is beyond your power and is dishonorable. We think you have the capability to do so and are unwilling to do so. The last time we made a number of suggestions and you said you would study the suggestions, but you have not studied it.

Kissinger: Oh, I have studied it.

Xuan Thuy: Because this would be harmful to your honor to maintain Nguyen Van Thieu. On the other hand, if you replace Nguyen Van Thieu you will be welcomed by the South Vietnamese people, the American people, and world public opinion.

Moreover when doing that, we do not ask you to make a public statement. You should do that secretly. No one knows. Let you do that secretly and it will not reflect on your honor.

Kissinger: But it would become pretty obvious, don't you think?

Xuan Thuy: No one knows that. This understanding is between us only. It is not divulged.

What you have been saying shows that you will maintain Nguyen Van Thieu. Moreover if you maintain Nguyen Van Thieu, it would not only be harmful to U.S. honor, but we cannot settle the problems here. We should settle both military questions and political questions, that is to say set a reasonable time limit for troop withdrawals and replace Nguyen Van Thieu. Because without settling these questions, though you say you want a rapid settlement, in fact the settlement will drag on and effectively we cannot reach a settlement.

Moreover, Mr. Special Adviser says that you cannot do as we have required, and that we should choose between negotiations and each side continuing its course of action, that is to say the war will continue. As a matter of fact, if we don't come to a settlement the war will continue. This is something logical, certain.

We have foreseen all eventualities. If now a negotiated settlement can be reached, reasonably and in the interest of both sides, we are prepared to do that.

Therefore, I would propose that you think over these two questions. First the military question, that is to say think over about giving a specific date for the withdrawal of all your forces, without leaving any technical personnel or military personnel. For this fact will complicate things and create new questions.

Secondly, on political problems, if you stick by the views of today this will be an obstacle to a settlement.

As for the other questions you have raised, we shall consider them, study them.

Now I give a word to Mr. Le Duc Tho.

Le Duc Tho: You have just said that you agree to discuss, settle both military and political problems. You have just said that you are prepared to discuss and settle military and political questions, but in fact these two questions have not become settled today.

Concerning troop withdrawals, Minister Xuan Thuy has spoken our basic position. I have nothing to add further.

Concerning political problems, it appears as though we have not yet discussed anything today. Looking at the other questions you have raised, you have shown that you are ready to discuss military questions only. There is no war in history that has ended only by discussing military questions. As to the political problems of South Vietnam, now you want to elude them and only settle military problems.

And we have also raised political problems concerning Indochina. Here too you want to settle military problems only. As to political problems in the Indochinese countries, you have eluded them and not expressed your views on them. Then how can we liberate prisoners throughout Indochina and how can we observe a cease-fire throughout Indochina? We participated in the 1954 Geneva Agreements on Vietnam and the 1962 Geneva Agreements on Laos. At these two conferences both military questions and political questions were settled before we reached an agreement. If here you only discuss military problems and set apart political problems then, no settlement is possible.

Regarding the political problems of South Vietnam, we have been expressing our view at great length, and have nothing to add now, but this sentence.

You said that if you replace the Nguyen Van Thieu Administration, this will dishonor you. On the contrary, if you replace this Administration that is something which enhances your honor.

If we now review today's meeting we can see there is only one point that is different from what happened previously. You have put forward a period of nine months for the withdrawal of U.S. forces. In this connection Minister Xuan Thuy made ample remarks. It is not a fixed date, only a period. Moreover, you have raised the question of leaving behind military personnel.

In sum, you leave behind American personnel and maintain the Thieu Administration. So we can say that in the main your position has not yet changed. So I can say that in our negotiations you go forward by very small steps, and very slowly. This is not proof of your desire for a rapid settlement.

Minister Xuan Thuy and myself have made preliminary remarks today and will consider your remarks today.

Kissinger: Let me make some preliminary remarks, because it is foreseeable that at this rate we will not be getting anywhere.

If you keep pursuing the tactics of stating your demands and then judging our replies, as if we were students taking an examination, I can tell you now that there will be no agreement.

This proposition that we give you a deadline no matter what happens may impress the Special Adviser's friends at the *New York Times*, but it will not do you any good in any time period that might interest you. If we give you a fixed deadline now, and then the Special Adviser and the Minister will "consider" all other points, we will have finished our withdrawals and you will still be considering our other points while we have withdrawn. If we are going to retreat regardless of what happens, you must get used to the idea that we will do so at our own pace and one convenient for us, and apart from other issues. If you want to negotiate it, we have to settle the other terms. To retreat on a fixed deadline, we don't need agreement with you; we can do that on our own.

And we will not settle the war just for prisoners. This is another point you should have no illusions about.

Now as for the political solution. It is not correct that we have not discussed the political problem, and you know very well that it is not correct. We have offered to do a number of things which would make it easier for the forces you support to participate in a political process and to affect the political future. We have expressed our willingness to accept neutrality for South Vietnam, to announce our withdrawals from South Vietnam, to accept limitations on military aid for South Vietnam, to declare publicly we are not supporting any particular force in South Vietnam, and to carry this out strictly. We are willing to listen to other proposals along this line.

What we cannot do is what you ask, to make a secret agreement to replace the leader of a country which is still an ally. Which would then lead to endless debate, moreover, as to what exactly a peaceful administration is, in which you have a veto because you are the only one who knows what is meant by peaceful.

So you have to decide whether you are better off after another year of war, with a further strengthened Saigon Administration and

no limitations on our economic and military aid, and at the end of a year there will not be enough American forces left in South Vietnam to affect the political future. You must decide this or to make an agreement this year. I cannot tell your people which decision to make.

We are making major political concessions to you. And we are prepared to listen to proposals in this general framework that I have outlined.

I sometimes think you have learned your historical lessons too well. In 1954 you made peace with John Foster Dulles who wanted to maintain military bases. In 1971 you would make peace with an Administration which has no interest in establishing a neocolonialist government.

And if we stress military issues, it is partly because we think that after a reasonable period of time, which is short, the normal political forces of Vietnam would make themselves felt.

Now you say we should study your remarks, and we will do that. And we may be able to ease some of your concerns on the question of technical personnel. You have to decide whether an agreement in principle this summer would strengthen or weaken your political prospects in South Vietnam. I cannot hold out any prospect that we would make a secret agreement that we would overthrow the existing government in South Vietnam.

And therefore we have to decide where we are going from here. If you want to continue, you will find us within a reasonable framework to be flexible and with good will. We want to end the war. We do not want to stand in the way of the people of South Vietnam. We are not permanent enemies of Vietnam. But you must not expect us to do impossible things.

How do we go from here?

Le Duc Tho: You criticize us for following the tactic of putting forward requests and putting questions to you. But if there is something unclear, we should put forward questions for clarification, just as you have done with our proposals. We have made remarks on your proposals if there is something unclear, and you have done the same to our proposals. This is something that is normal. Actually you said that you were willing to discuss both military and political problems. But in fact your views are not yet clear. You said that we had a veto right on the South Vietnamese Administration, because we define which one is peaceful. Last time I told you that there will soon be elections in South Vietnam, and the elections are not at all democratic under the present regime. But there are candidates with programs favoring peace, independence, neutrality and democracy. The people in South Vietnam, in the cities, in the countryside, approve such a candidate. There is no

reason if such a candidate wins the election that we be told how. Moreover, while it is true that you said that you would limit aid to South Vietnam, but if you maintain Nguyen Van Thieu and you maintain aid, then how will there be a peaceful settlement of the war? Because if the subsequent administration is formed, and you continue military aid to such an administration, then this will constitute continuation of the war. If both sides continue military aid, then the war will continue.

Kissinger: Are you prepared to cease all military aid?

Le Duc Tho: You are speaking of military aid to South Vietnam, so I express views to be clear on this point.

Kissinger: Excuse me. General Walters must make a call concerning my technical arrangements for the rest of the day. It will just take five minutes. We will continue and use your interpreter. We have confidence in him.

Le Duc Tho: Minister Xuan Thuy has expressed a number of views. I have expressed my views too. Both sides will study each other's remarks. If you feel we should continue discussions, then we should meet again for discussions.

Kissinger: I understand your views, but I don't understand what you expect to happen next time that didn't happen this time. I explained what is possible.

First, I have to express total disagreement with the Special Adviser's characterization. To accept limitations on military aid and neutrality for South Vietnam changes the whole political framework. As you know, President Thieu has declared against neutrality and has not accepted limitations on military aid. We are willing to accept limitations on military aid to South Vietnam that you are willing to accept for yourself. It is impossible for you to say that you will accept no limitations on military aid but that other countries should.

We believe that the conditions we have described will help the opposition to President Thieu and therefore will make it more likely that the candidate you prefer may get elected. But it is up to you to decide this. We cannot go further than that.

So we have to decide whether there is any point in continuing these meetings or whether we should stop here. I frankly don't believe that meetings in this forum will then be resumed.

Xuan Thuy: It is up to you. If we [*you?*]² feel negotiations are useful, and may lead to a settlement, then we should continue. If you stick to your desire to have us do what you want, then we can't progress.

² Bracketed correction supplied by the editor.

What we've been saying is well-grounded and reasonable. Because we propose a specific date for troop withdrawal; if you do not agree, you should propose one. We can discuss it.

Kissinger: The date is not the problem. The political issue is the problem.

Xuan Thuy: If there is no problem then you should propose a date and we should exchange views. Because we have proposed a date; this date is not definite or obligatory. We should exchange views and see which date is more reasonable.

Kissinger: No one in America, not even people you talk to, would think that it is reasonable to give a date that is totally independent of whatever else happens. We have given you a final date of nine months after an agreement is signed. You can negotiate nine more months. The history has been that you have given us a series of deadlines which we've never met. One of these days you will propose a deadline which we can meet and then it will be too late.

Moreover, if we declare as a statement of principle our neutrality in the elections, our acceptance of the future neutrality of South Vietnam, and the other points that I have mentioned, that would leave the basic issue open.

But I have stated my view and we now have to see what we shall do. If you expect me to come here next time prepared to tell you that we will make a secret agreement to overthrow Thieu then we will both be wasting our time. Because the President will never approve this.

Xuan Thuy/LeDuc Tho: Would you repeat that?

Kissinger: (repeats) . . . and this would waste your time and I would go through the physical exertion for nothing.

So this then is the question. Whether we develop a statement of principles which is relatively neutral or whether you insist on what you have said.

Le Duc Tho: What you said about developing a statement on neutrality, this doesn't mean much. You said that no American would agree to fix a date independent of anything else. However, I can tell you that no Vietnamese fighting for so many years will accept a settlement without knowing what the future of South Vietnam will be. Therefore to settle the South Vietnamese problem there should be an agreement where both military questions and political questions should be settled. There is no statement regarding peace and neutrality that will suffice.

Kissinger: I said a neutral statement, not a statement of neutrality. I said whatever the government in South Vietnam, we will make a statement which says it must be neutral, can accept only limited predetermined military aid, and other points from Point 5 of Mme. Binh. (repeats again) First, the foreign policy must be neutral. We can accept

limitations on military aid and other points. I'm talking about a statement that is neutral, noncommittal for either side. In fact, we are wasting time. I feel an agreement in principle right now would have a greater impact on the political situation in South Vietnam than another year of war. But it is up to you to decide.

Le Duc Tho: You mean agreement in principle, agreement on the framework you mentioned.

Kissinger: Right.

Le Duc Tho: But we have not agreed on the basic issues of the framework.

Kissinger: The only other possibility is that you come with another proposal than the secret agreement to overthrow Thieu. And we will examine it seriously.

Le Duc Tho: What would you propose? What is your desire apart from what you are saying? Whatever proposal you have, make it.

Kissinger: I have made our proposals. I have said what we sincerely believe will have maximum political impact in South Vietnam. We sincerely believe if we settle along the lines of our proposal it will have a maximum impact on the elections. We sincerely believe our withdrawal date will have a maximum impact on the political situation, on elections. Once withdrawal begins and one knows that it is beginning that changes the political situation.

We also believe that another year of war, 15 months without agreement, and with our supplies continuing, and no limitations on military aid and economic aid, everything you're asking us now will be impossible to do and it will be more difficult for you to obtain what you want.

I tell you we are sincerely trying to end the war. To us Vietnam is not a huge issue. We want the war to end and to find a solution which will give us normal relations with the people of Indochina and we don't search for a way to stay in Vietnam. But we're not experts on your judgments of your chances, and it may be you are too suspicious. That may be our tragedy.

Le Duc Tho: You have proposed, put forward something concrete to settle the political question, and we propose to think of a way to settle the political question. But the views you expressed now are the same as what you said this morning. What do you propose now?

Kissinger: If you are prepared to come up with a formula other than what you have offered us, then I will be prepared to examine it with great care and the consideration it merits. And I will in turn look at your problem concerning technical advisers. And that would give us a basis for another meeting.

Xuan Thuy: You referred to the period of John Foster Dulles in 1954. Now with the publication of the Pentagon papers in the American

press this question is very clear already. I think that the Nixon Administration should redress the mistake of the previous Administration and should not have continued the same course with the same aim, and it should adopt another course.

Kissinger: But I explained that we have a new course.

Well, Mr. Special Adviser, what do you think? Should we have another meeting? You are the senior member here.

Le Duc Tho: I think that if you think that we should have another meeting, then we should have it.

Xuan Thuy: I feel, Mr. Special Adviser, that both sides should continue to examine the views expressed by the other side and we should meet again. I agree to that.

You told us to make a big effort and you will make a big step forward. We tell you to make an effort and we shall take a big step forward. You advance too slowly.

Kissinger: You don't advance at all.

Xuan Thuy: We've made big steps; everything we propose is concrete.

Kissinger: I don't object to the fact that it is concrete; it is the substance I mind.

Alright, then let's set another meeting. I know it will be extremely difficult to convince the President that we are not wasting time, but I think I can get authority for another meeting.

Let's aim for Saturday the 7th. I have to vary my travels.

Xuan Thuy: In order to give you more time to persuade President Nixon, should we delay the meeting?

Kissinger: I will be on the West Coast the following week, and it will be difficult to come much later from there. It will be very difficult for me to leave because people will be watching me.

Le Duc Tho: There is no worry for you at all, moreover from your country.

Kissinger: Except the press watches me all the time.

Le Duc Tho: Not the *New York Times*.

Kissinger: The Special Adviser monopolizes the *New York Times*, but other papers watch me.

Le Duc Tho: Anyhow it's American journalists.

Kissinger: How about the following Saturday, the 14th?

Xuan Thuy: The 21st?

Kissinger: That's very hard for me. I could come the 15th or the 16th.

Xuan Thuy: So shall we fix it for the 16th?

Kissinger: You just deprived me of another day on the West Coast. OK. I hope the Special Adviser recognizes that Hollywood is only 50 kilometers from San Clemente.

Le Duc Tho: So you have more time to spend there?

Kissinger: 10:30? (Walters notes that August 16 is a French holiday.) I don't want to keep the Minister from his religious observances.

Xuan Thuy: I will sacrifice that.

Kissinger: 10:30?

Xuan Thuy: 10:30.

12. Memorandum of Conversation¹

Paris, August 16, 1971, 11:30 a.m.–4:05 p.m.

PARTICIPANTS

Xuan Thuy, Chief of North Vietnamese Delegation
Vo Van Sung, North Vietnamese Delegate General in Paris
Phan Hien, Member of North Vietnamese Delegation
North Vietnamese Interpreter
One Other North Vietnamese Official

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 866, For the President's Files (Winston Lord)—Vietnam Negotiations, C.D. 1971 Dr. Kissinger (1 of 2). Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at the North Vietnamese Residence at 11 Rue Darthé.

Once Kissinger realized that he would face only Xuan Thuy at this meeting, as Le Duc Tho was in Hanoi, he knew that the meeting "was essentially a holding action." And in the face of President Nixon's growing reluctance to continue the secret talks, Kissinger, in his report on the meeting, argued for their continuance, at least for one more time, on the following grounds:

- "• We are improving our already good negotiating record. We had to give them an opportunity to consider our new version [a reference to the American eight-point plan he presented at the meeting].

- "• We have a channel if they want to settle, and which forces them continually to review and modify their position.

- "• We may keep them from escalation, during the electoral campaign.

- "• We gave a good justification should we retaliate if they do escalate.

- "• I must come to Paris anyway to work out the details of my interim visit to Peking and the announcement of your visit.

- "• We have nothing to lose, except my 36 hours of inconvenience, and we achieve nothing by breaking off now (they are not keeping us from anything we want to do)." (Memorandum from Kissinger to President Nixon, August 16, *Foreign Relations*, 1969–1976, vol. VII, Vietnam, July 1970–January 1972, Document 245)

According to Kissinger, Nixon reluctantly acquiesced to one more of what seemed to be "increasingly sterile contacts." (Kissinger, *White House Years*, p. 1036)

Henry A. Kissinger, Assistant to the President for National Security Affairs
 Major General Vernon Walters, Defense Attaché
 W. Richard Smyser, NSC Staff
 Winston Lord, NSC Staff

Dr. Kissinger: There will be no philosophy lessons for me today?

Xuan Thuy: But you will use it.

Dr. Kissinger: Last time the Delegate General asked about the moon explorations. I have some material. It is entirely non-political. There is no reference to the eight or nine points.

Xuan Thuy: It speaks of the distance covered by the rocket.

Dr. Kissinger: The Special Advisor is well?

Xuan Thuy: Mr. Le Duc Tho returned to Hanoi and has not been so very well. He has requested me to convey to you his regards.

Dr. Kissinger: Thank you. I appreciate that. My apologies for our delay; it was unavoidable.

Xuan Thuy: Although you have sent men to the moon, you are late.

Dr. Kissinger: Can the Minister and I make one agreement? Sometime before the end of the war he lets me win one argument.

General Walters: You got the message about our meeting at 11 o'clock? I told Mr. Lieu.

Xuan Thuy: Yes. It is 35 minutes past 11:00.

Dr. Kissinger: I think the Minister is telling us that we are late.

Xuan Thuy: It is a problem. People are early sometimes and sometimes they are later.

Dr. Kissinger: It shouldn't happen. It won't happen again. The route to the moon has less obstructions than the roads to Paris.

I believe it is my turn to speak first today, unless you have something to say.

Xuan Thuy: Please, you speak first.

Dr. Kissinger: Now I will never know if the Minister is prepared to yield on all our points.

Xuan Thuy: I am listening to you now.

Dr. Kissinger: Mr. Minister, since our last meeting, we have analyzed your nine points, our seven points, and we have produced eight points which seem to us to offer a basis for a statement of principles. Our proposal is to agree on a statement of principles and to submit it to the formal negotiating groups to work out the details. We have taken some of your formulations, some of Madame Binh's formulations, and some of ours. I will now read you our points.

(Dr. Kissinger reads the statement from a prepared text. During point three, Dr. Kissinger interrupts the North Vietnamese translator

by mistake and says: “If the Minister understands what I am talking about, I am at a disadvantage.”)

“1. The withdrawal of all U.S. forces and other foreign forces allied with the government of South Vietnam will be completed by August 1, 1972, provided that the final agreement based on the principles in this statement is signed by November 1, 1971. The terminal date for U.S. and allied withdrawal will be advanced if the agreement is signed earlier and will in no event be later than nine months after the agreement is signed.

2. The release of all military men and innocent civilians captured throughout Indochina will be carried out in parallel with the troops withdrawals mentioned in Point 1. Both sides will present a complete list of military men and innocent civilians held throughout Indochina on the day the final agreement is signed. The release of these prisoners will begin on the same day as the withdrawals mentioned in Point 1 and will end on the day such withdrawals are completed.

3. The political future of South Vietnam will be left for the South Vietnamese people to decide for themselves free from outside interference.

The United States, for its part, declares that it:

—Supports no candidate and will remain completely neutral in the forthcoming South Vietnamese elections.

—Will abide by the outcome of these elections and any other political processes shaped by the South Vietnamese people themselves.

—Is prepared to define its military and economic assistance relationship with any government that exists in South Vietnam, including setting limits on military assistance to South Vietnam as part of an overall limitation on outside military assistance for both North and South Vietnam.

Both sides agree that:

—South Vietnam, together with the other countries of Indochina, should adopt a foreign policy of neutrality.

—Reunification of Vietnam should be decided on the basis of discussions and agreements between North and South Vietnam without constraint and annexation from either party, and without foreign interference.

4. Both sides will respect the 1954 Geneva Agreements on Indochina and those of 1962 on Laos. There will be no foreign intervention in the Indochinese countries and the Indochinese peoples will be left to settle by themselves their own affairs.

5. The problems existing among the Indochinese countries will be settled by the Indochinese parties on the basis of mutual respect for independence, sovereignty, territorial integrity and non-interference in each other's affairs. Among the problems that will be settled is the

implementation of the principle that all armed forces of the countries of Indochina must remain within their national frontiers.

6. There will be a general ceasefire throughout Indochina, to begin when the final agreement is signed. As part of the ceasefire, there will be no further infiltration of outside forces into any of the countries of Indochina.

7. There will be international supervision of the military aspects of this agreement including the ceasefire and its provisions, the release of prisoners of war and innocent civilians, and the withdrawal of outside forces from Indochina.

8. There will be an international guarantee for the fundamental national rights of the Indochinese peoples, the neutrality of all the countries in Indochina, and lasting peace in this region.

Both sides express their willingness to participate in an international conference for this and other appropriate purposes."

These are the principles which we propose that we sign jointly. In addition to these, I am authorized to transmit to you the following oral understanding on the authority of the President of the United States.

"Within one month after the signature of the agreed statement of principles, the President of the United States will request from the Congress authorization and appropriations for a five-year program of economic assistance for all the countries of Indochina. He will request a sum in the neighborhood of seven and a half billion dollars over a five-year period, of which no less than two billion dollars would be set aside for the Democratic Republic of Vietnam. He will further request that the great bulk of this economic assistance program be in grants with the remainder in long term, low interest loans."

Mr. Minister, you will note that we have attempted to follow the outline of your nine points, with point four being a unilateral American declaration. You will note also that wherever possible we have taken the formulations from your nine points, Madame Binh's seven points and those of our points which you have said you would consider positively.

We believe that the statement of principles that we have proposed, together with the fixed date of our withdrawals, should have a major political impact in South Vietnam. We believe that this agreement in principle will remove substantially any distortions of the political process that our presence might cause. We believe that it should meet your concern that we not support any particular individual and should give the forces you consider peaceful a maximum opportunity in a political process.

We believe, in short, that such an agreement will facilitate the determination of the South Vietnamese of their political future in which we have pledged not to interfere.

We have made a serious effort to meet your concerns and to shape a settlement fair to both sides. We have taken into account your view on a majority, on all, issues, including the withdrawal of our forces. We are prepared to listen to any new formulations you may have on the political question.

Mr. Minister, I have told you repeatedly in recent weeks that there is no point in the continuation of the war between our two countries. We have read with great interest many articles and statements in the publications in Hanoi regarding your policy of independence. We respect this independence and in the historical future with which we must be concerned we will do our best to support it. We are not altering our policies towards all the countries of Asia only to maintain the old policies with respect to Vietnam. Indeed, we believe that it will be possible over a period of time to replace our current enmity first with understanding, and ultimately with friendship. But for this it is necessary that both of us free ourselves from the suspicions of the past and both of us be prepared not to be the prisoners of the past. If we set ourselves that goal, some of the technical disputes on this or that point will lose their importance.

I am here to tell you that we are prepared to make peace with you, with goodwill, good faith, and hope for a better future.

Thank you, Mr. Minister.

Xuan Thuy: I would like to thank Mr. Special Advisor for having presented the views of the United States Government.

Regarding the eight points that Mr. Special Advisor has just presented, we shall express our views later. But now I have a few points to recall for you here.

In all of our private meetings here, Mr. Special Advisor proposed that we should carry out two actions. First, we should refrain from anything inflammatory. Second, we should keep this channel secret. Ever since, what has happened?

Regarding North Vietnam, there were many U.S. air raids. In July alone tactical aircraft carried out 17 raids in populated areas Vinh Linh, Quang Binh, and Nghe An.

There were 18 carpet bombing raids by B-52 bombers against Vinh Linh.

Dr. Kissinger: In North Vietnam?

Xuan Thuy: Yes.

Dr. Kissinger: That is simply not true.

Xuan Thuy: That is the facts. Let me finish. In the first days of August tactical U.S. aircraft and B-52s have been carrying out bombing raids against North VN. Yesterday afternoon General Abrams made

threatening statements and yesterday afternoon there was bombing in Quang Binh.

Dr. Kissinger: I have to look these up on a map, but I don't believe it.

Xuan Thuy: Regarding South Vietnam, the U.S. is conducting the Phoenix Campaign. This is an operation with a fine name but perpetuates a great deal of crime with a view to compelling the South Vietnamese people to oppose the opposition forces and to prepare for the election of Thieu.

In Laos the U.S. is commanding the Vang Pao special forces and the forces of the Vientiane Government, including Thai troops, to launch continuing nibbling operations against the Plaine des Jars and Xien Khoang. And against also the region of Bolovens Plateau. And I have remarked on this, Mr. Special Advisor, when you returned from the Asian trip, but this situation continues and the situation becomes more extended now. On August 9 the United States State Department explicitly declared that the United States Government is not bound to comply in the implementation of the 1962 Geneva Agreement on Laos.

In Cambodia the U.S. is mobilizing tens of thousands of Saigon troops with U.S. air support to launch large scale operations in Eastern and Southeastern Cambodia.

That is in regard to military operations. Now I speak of the secrecy of this tribune.

While these military actions were being carried out throughout Indochina, in his press conference of August 4 President Nixon stated to the journalists that the United States was actively pursuing negotiations in established channels. Therefore in the press there was speculation that secret talks were being carried out between Vietnam and the United States. And on August 6 General Walters met our Delegate General and told him that President Nixon was carefully keeping secret this channel between Mr. Le Duc Tho/Xuan Thuy and Dr. Kissinger, and it is the U.S. hope to see the DRV do the same.

Mr. Special Advisor Kissinger repeatedly said that he has shown goodwill and his desire is to seriously negotiate in this channel. He has said that it is not his desire to see the war more and more extended, but it is his desire to see an early restoration of peace. We take note with great interest of this statement and we respect this statement. But in practical fact, it is the contrary of your statements.

And through these actions we have come to conclude that the United States is continuing to prolong and extend the war in the hopes of using military forces to make pressures on us. And at the same time the United States is making American and world public opinion believe that secret talks are going on. That is only for the purpose of eluding the criticisms of public opinion.

These are the two points of your statement which now facts have shown to be just the contrary.

Now I come to another point. The last time Mr. Special Advisor told us that in our negotiations we should not negotiate through intermediaries, a third party. And we should draw experience from that. And we should deal with each other in Paris.

Dr. Kissinger: That is correct.

Xuan Thuy: I agree with you on that point, because experience has shown that during the past years the United States has been busying itself here and there, but these actions only make the problem more complicated. And it will bring no settlement at all. If now you continue the same course of action, it will bring no result.

Dr. Kissinger: What is the Minister talking about? What intermediary have we used?

Xuan Thuy: These are the three points that I would like to recall here. These are three points on which you have made statements and which we agree with you. And now I would like to make it clear on these three points because the facts have shown that you have not complied.

Dr. Kissinger: Quite frankly, I understand the first two points and I will reply to those, but I cannot reply to the third point because I really don't understand it.

Xuan Thuy: I think you understand.

Dr. Kissinger: The Minister exaggerates my knowledge. Quite seriously. He doesn't have to tell me to whom he refers. If he makes an argument for the record, like the Hotel Majestic, I do not care what he says, because it won't lead anywhere. But if he has a serious point, if he believes that we have talked to other countries about our negotiations, then I would like to know what they are so we can discuss it.

Xuan Thuy: I have great belief in your intelligence.

Dr. Kissinger: Do you have anything else to say?

Xuan Thuy: So I have recalled these points.

Dr. Kissinger: Is that all?

Xuan Thuy: I have finished. As for your recent proposal, we shall speak about it.

Dr. Kissinger: Later today?

Xuan Thuy: Yes, after the break.

Dr. Kissinger: Let me make a few comments on what you said.

I regret the Minister has brought me over here at great personal inconvenience in order to repeat the sterile arguments that have taken place for a long time at the Hotel Majestic. I have come at great personal inconvenience on eleven different occasions to make a sincere effort

to find a basis for peace between our two countries. The only point for making this effort is to find a basis of peace which is just for both sides. You can repeat these charges a thousand times and it does not change the facts; of course, while the war is going on we can both find points to charge and accuse one another. The problem is to find the basis for peace. That is why we are here today. I don't believe that is why you are here today. We have acted in good faith. We stopped, for example, just to mention examples 'which you are throwing in extraneously, we stopped the operations of Vang Pao after you mentioned them the last time to me. And you know they were stopped.

Secondly, no B-52 operations have ever been authorized on North Vietnamese soil, and unless you show me on a map I simply cannot believe you. If you do show me on a map, we will stop it immediately.

I could mention things which you have done, such as building a road across the DMZ and moving supplies across the DMZ in violation of the understanding, but it won't get us anywhere.

With respect to the secrecy of this channel, the remarks of the President could be interpreted in many ways, and most journalists believe that there are some contacts in other countries and through other people. But the basic reason for this statement, which we regret, was the constant press interviews given by the Minister and Special Advisor which said we did not reply to the seven points which you know is not true. Since the beginning of August alone the Minister has given interviews to *Humanité* and the Japanese Press Agency, and Madame Binh to the Associated Press and twice to the Japanese Press Agency. During July there were a whole series of interviews.

In these conditions, when we are accused of doing nothing, and when in fact we are here, sometimes in these circumstances it is possible in an improvised statement that there could be an innuendo which could appear to you that we have referred to this channel. We are not using these negotiations to ease public pressure. We are using these negotiations to end the war. But it does not look to me that you are making a comparable effort.

As for these negotiations, the question of using intermediaries, since the Minister prefers to speak in riddles I can only tell him what I know. Since he doesn't believe it, it will probably be a complete waste of time, but I will tell him anyway.

We have talked to two foreign governments about these discussions, both allies of yours. When I was in Peking I told the Chinese in general terms what were our intentions in Indochina, specifically that we were prepared to withdraw our troops from Indochina. We did not ask the People's Republic of China to act as an intermediary, and we have told them nothing since.

Secondly, the Soviet Ambassador in Washington comes to see me after every one of our meetings and tells me after the meeting what the contents of our discussions were. So apparently you give them a rather full account of our discussions. The only thing I have said to the Ambassador from the Soviet Union is that we are in good faith and we sincerely want an agreement, and he can judge from what he has seen in the U.S. that we are not withdrawing from the rest of Asia in order to stay in Vietnam.

We recognize that peace must be made with Hanoi, and it would be contrary to our conviction that the people of Indochina be independent to try to make peace with others for them. In other words, we have not initiated any intermediary. No one knows our seven points. No one knows these eight points. No one has ever been told of the details of our conversations.

Now, Mr. Minister, I know you have your instructions. And I know you are not authorized to be convinced by me. And you will make a reply that everything that happens is our fault. It is a pity, because the President doesn't have to send his principal advisor on foreign policy eleven times to Paris secretly to play games with you.

I come here fully authorized to make a settlement which we believe is just to everybody. I don't care what the headlines in the *New York Times* say. The *New York Times* is used two days later to wrap fish in. We are interested in what the history books say, and the history books will judge us by whether we make peace, not by whether we win a brief propaganda victory.

The tragedy is that if we continue the war, then a year from now we will be at about the same point, and one day we will arrive at an agreement more or less on the terms we are discussing now. We have told you that we will not stand in your way if you can win the political contest. Sooner or later this is what you have to do anyway. But it is obvious from what you have said that you are not now disposed to do this. I have enough experience to know that nothing I can say can change your conviction, and even more, your instructions.

I have only one final point, Mr. Minister. If you read the President's press conference carefully, you will find that there is an answer on the question of the political future of South Vietnam which we felt would respond to your concerns. We phrased it on the basis of your concerns, but you have concentrated on another point in order to score a debating point.

The only thing that remains for me to say is to express the hope that someday Hanoi will approach us with an attitude that we will make peace. If there is that attitude I know the Minister and I can find formulas to make peace. Until then, until we can find that attitude, we will stay as we are.

The Minister mentioned a break. Does he still maintain his proposal before necessity forces me to order it?

Xuan Thuy: Since you have expressed your views I feel obliged to make a response.

Dr. Kissinger: Can I ask for two minutes unilaterally? This is one argument I cannot let you win. (brief break)

Let me say just one concrete thing. I am prepared to agree that I will not respond to any comment made by your allies even if they are informed by you. I simply will not reply even if they have been informed by you.

Xuan Thuy: The two delegations who come here for negotiations from the two governments must abide by the instructions of their respective governments and the policy of their own governments.

Dr. Kissinger: Of course.

Xuan Thuy: The instructions of our government, the Vietnamese government, is that we should come here to negotiate with the U.S. Government in order to reach a peaceful settlement of the Vietnamese problems on the basis of respect for the fundamental rights, for the independence and sovereignty, of the Indochinese people. In the interest of both the Vietnamese and American people and the sooner the better.

You have come here only eleven times. However, I have remained here for over three years now. It is not the idea of our government for me to remain here just to play games. And during our negotiations whatever you say, whatever we say, whatever the facts show, then we shall recall here to attract your attention on these points. And today I have recalled a number of facts and it seems to me that you have received instructions to deny all these facts. I said the war was extended and you say nothing.

Dr. Kissinger: How could I receive instructions to deny something when I didn't know what the Minister was going to say?

Xuan Thuy: You probably received instructions on what the other side would say. Naturally it is not good for the U.S., and you have to deny the facts.

Dr. Kissinger: No.

Xuan Thuy: The second point is that you say that we have met people, journalists and others, and accused the U.S. of not replying to Madame Binh's seven points. And naturally, you have not replied yet. Because out of the seven points there are two basic points about which you have said nothing. At the Paris Peace Conference you have said nothing. Here in this private channel you have said you would consider Point 4 and Point 5 of Madame Binh's, but you haven't responded to the other points. As to your eight points, we will consider them.

Dr. Kissinger: I didn't accuse the Minister of lying. I accused him of propaganda.

Xuan Thuy: I have repeatedly said that we cannot make propaganda as well as you do.

Dr. Kissinger: You're doing very well.

Xuan Thuy: You excel in propaganda.

Dr. Kissinger: He has such instructions that he can't even yield when I admit that he does better in some categories than we. Not when he's right, but when I say he is better at something.

Xuan Thuy: But practically, you said that we are bad in propaganda because our propaganda is correct and just and you don't listen to it. Now you said if we don't reach a settlement now in one year's time we will come back to the point where we are now. And I think that if we don't reach a settlement now, it will not necessarily be one year's time when we will be here again. It will probably be two years or three years.

Dr. Kissinger: That's right. But probably we would not come back to the same point. Probably your points would not be the same as now.

Xuan Thuy: It is subjective thinking on your part. Because we have our policy, our line. Whatever the circumstances, we must have our independence in peace. However, we should agree first to settle in this channel. There must be an effort on both sides.

I propose we break now.

Dr. Kissinger: I have a few extra copies (of the statement of principles) in case he wants to sign it. The Minister seems to be in an especially agreeable mood today.

I wanted to show you something from my visit to Saigon. (Dr. Kissinger then shows the North Vietnamese a picture of him and Big Minh in Saigon.)

Xuan Thuy: Who is that on the left?

Dr. Kissinger: No one is ever on my left. He is an adviser to Minh. All my advisors are to my right.

Xuan Thuy: Did he speak English or did someone translate for you?

Dr. Kissinger: He understood English. He spoke French to me, and I spoke English to him. Now we'll get a picture of the Minister with Thieu and then there will be harmony.

(At this point, 1:20 p.m., there was a break until 2:15 p.m. Xuan Thuy went upstairs with Phan Hien to work on his remarks, while the Delegate General and the interpreter made small talk with the American side over the customary tea and light Vietnamese refreshments.)

Dr. Kissinger: I want to make clear again that our being late this morning was not a sign of any lack of respect.

One, we were caught in an appointment without access to a telephone and besides we don't know the number here. Then we got lost because we took a new way and got lost in the Halles.

I want the Minister to know, whatever our political differences, the high personal regard I feel for him.

Xuan Thuy: I thank you, Mr. Special Adviser, for having given the reason for being late. I was joking this morning. There is no problem at all at being late.

I understand your itinerary. It is normal to be late.

Dr. Kissinger: The Minister is very polite, but I do not think that it is normal for a Vietnamese to be late. But I appreciate it.

In any case, it will not happen again.

Xuan Thuy: May I now take up the substantive question of our problems here?

First of all, I should say that by putting forward your eight points there has been an effort on your part. Because in your eight points, you have taken into account a number of formulations of our proposal.

We agreed with you previously that the U.S. government put forward the seven points, the DRV government put forward nine points and now we should take these seven points and nine points as a basis for discussion in combination with the seven points of the PRG.

The last time the Special Adviser made your statement, and we agreed to your statement, that we should give further thinking to each side's proposals, so that the military and the political questions could record progress in today's meeting. As far as we are concerned, we have carefully considered your views expressed at the last meeting.

Today you present your eight points. So now we have to compare your eight points today with the views we have formulated previously. Regarding a number of points you are more concrete now. There are other points on which you previously made oral statements the last time, and now you have them in written form.

Naturally, the examination of the eight points requires some time. However I would like to exchange views with you on a number of principal points. The principal points are numbers one, two, and three of your eight points.

These three points correspond also to the first three points of our nine points.

I believe if we can agree on these three points, it will be easier to reach agreement on other points.

Point one deals with troop withdrawal. Our proposal is that the withdrawal of U.S. forces and those of other countries from South Vietnam should be completed by the end of 1971. Now the U.S. Govern-

ment proposes that if agreement is reached on general principles by November 1, 1971, then the withdrawal of U.S. forces and other forces would be completed by August 1, 1972.

The proposed terminal dates of the two sides are still far apart. I do not know the reasons why you have proposed such a remote date for troop withdrawal, when we are telling each other that we should end the war soon.

Another point is that at the last meeting Mr. Special Adviser raised the question of leaving behind military advisers and technical personnel in South Vietnam. We absolutely cannot agree to leaving behind any military advisers, military personnel, or technical personnel in South Vietnam. Because it is a question of principle.

When we request the total withdrawal of U.S. forces, we mean that all U.S. forces, ground forces, naval forces, air forces, marine forces, military advisers, military personnel, technical personnel, war material, military bases, all should be withdrawn, without any exceptions and without any reservations.

So this question of leaving behind military advisers was orally raised by you in the last meeting. Now in these eight points the question is not raised. Does it mean that you have given up this question?

Now with regard to point two, prisoners of war, we have prepared a formulation for this question.

Dr. Kissinger: A new one?

Xuan Thuy: We have based ourselves on your views, and on ours.

We have prepared the following formulation.

"The release of captured military personnel and captured civilians captured during the war will begin on the same day with the troop withdrawal mentioned above, according to an agreed time table, and will be completed on the same day with the troop withdrawal mentioned above. The two sides will produce the complete lists of military personnel and civilians captured during the war on the day an agreement is signed."

Dr. Kissinger: When you speak of agreement, do you mean this one in principle or the final agreement based on the principles reached at Kleber?

Xuan Thuy: At Kleber.

Dr. Kissinger: I understand.

Xuan Thuy: Regarding point three, we have raised one point repeatedly, that is to say that the U.S. Government should change the Nguyen Van Thieu Administration. The reason why we have raised this question is because at the last meeting as well as today the Special Adviser says that due to the U.S. presence there has been confusion in South

Vietnam. And the embodiment of this confusion is the establishment and the existence of this Nguyen Van Thieu Administration.

Nguyen Van Thieu has stated his “four no’s” foreign policy and he has been implementing the U.S. policy. Therefore when you say that the U.S. will make a statement regarding U.S. neutrality in the forthcoming election, this statement will have an impact on the political process in South Vietnam.

You expressed this view at our last meeting, and this time this view has been written down in your eight points. And this has been stated by President Nixon in his August 4 press conference. We have made it clear to all concerned parties that the U.S. will remain neutral in the forthcoming election.

Dr. Kissinger: I am glad that the Minister notices that I do pay some attention to him.

Xuan Thuy: Therefore this statement does not have to await the publication of the eight points, because the statement was made by President Nixon on August 4 and we have not seen any impact so far.

With the military, political, and administrative machinery and with the pacification teams furnished by the U.S. to the Nguyen Van Thieu Administration, this Administration is terrorizing the people and repressing the opposition forces and it is consolidating the anti-democratic and fascist regime in South Vietnam with a view to winning the forthcoming election.

This shows that the statement by the U.S. Government to remain neutral in the forthcoming election has no effect at all.

And practically, in reality, the U.S. Government is supporting Nguyen Van Thieu.

In my view I think that we are here to negotiate not on the basis of something we think, something abstract, some suppositions, and something that will only have psychological effect, but we should negotiate here to settle substantive, concrete problems.

Therefore, I think that as long as the U.S. Government seeks means to maintain Nguyen Van Thieu, that the peaceful settlement of the Vietnam problem will be difficult.

Another point in your point three deals with the neutrality of South Vietnam.

It is our desire that the foreign policy of South Vietnam be a policy of neutrality, based on the five principles of peaceful coexistence and on the seven points proposed by the PRG that we support.

Moreover, we desire also to see a neutral South Vietnam not only in foreign policy but also in political regime, that is to say a South Vietnam that is not Communist and is also not a U.S.-dependent country. For this purpose, the Government, the Administration in South

Vietnam, should reflect this neutrality, not only in foreign policy but also in internal policy. And definitely the Nguyen Van Thieu Administration does not reflect this policy of neutrality.

Therefore this is my preliminary comments on the first three points you presented today, which correspond to the first three points of our nine points.

As for the other points, we shall continue the debate.

Dr. Kissinger: Are you finished, Mr. Minister?

Xuan Thuy: Yes.

Dr. Kissinger: Mr. Minister, let us leave aside the first and second points because I believe we will be able to resolve them; they are difficult but not questions of principle.

Let me talk about the third point.

I understand what you said about the President's statement. It was made primarily as a sign of good will towards you, to show you that we are taking these discussions seriously.

But as an isolated act, taken by itself, not preceded or followed by anything else, it cannot by itself lead to the results which we discussed. But we believe that if there were a formal declaration, not only of this point but of all the other points in point three, and if the minds of the people of South Vietnam were conscious of a course of imminent peace, and if it were clear that the U.S. does not accept one of the four no's, that is the one of no neutrality, the conjunction of all these things would lead to a more favorable expression of the popular will.

If the Minister means literally what he says, that is a government which is neither Communist nor pro-American, we have no objection to that. The problem is how to bring this about.

We would like to leave it to a historical process, realizing full well that after an agreement the conditions will not be the same as they are today. You want us to settle it immediately and we cannot do what you propose and we have not heard another proposal on what can be done except our own.

But we do not necessarily quarrel with your objective. We can have no interest to impose a pro-American government in a relatively small part of Asia when in the rest of Asia we are prepared to deal with other governments, some of which are openly hostile to us.

For your colleagues in Hanoi it should be important to consider that this is not 1954. In 1954, it was the policy of John Foster Dulles to organize anti-Communist and pro-American governments in every country of the world and especially in Asia.

It is our policy, as we have demonstrated, of this Administration to enable the people of this area to determine their own future and to

deal with whatever governments they give themselves, and to recognize the independence and self-determination of each country. That is the whole objective of our policy.

This is why I believe that in ten or fifteen years, whether we settle the war or our successors settle the war, the people of Vietnam will look upon the U.S. not as a threat but as a possible support to their independence. There is nothing that we could possibly want in one relatively small corner of Asia when we are withdrawing from the other parts of Asia.

That is why the quicker we can start this political process, the better it will be for everybody. The earlier in the electoral campaign these principles are known then the more the political impact.

But whenever we announce them, it is important that we all understand exactly what we want. Because in the long run our objectives of peace are more important than any particular paragraphs, because we will have to learn to have a certain amount of trust in each other if we are to live in peace.

What does the Minister propose? How do we go on from here?

Xuan Thuy: I realize that regarding your point three, you are still speaking in an abstract way, in a theoretical way, and there is nothing concrete in your statement.

You accuse us of not putting forward any alternative to your proposal, but I think Mr. Le Duc Tho and I have addressed ourselves to this question. We still feel the U.S. has the full capability to do that, and the reason is that you are not willing to do it.

I frankly tell you that this question is not important for our talks here, but it is important in the sense that it involves the existence of Vietnam, the fate of the South Vietnamese people. And the people there as you see, are now energetically opposing the Thieu Administration, and they say that the U.S. is trying to maintain this Administration, and they say that Ambassador Bunker is trying by every means to maintain Nguyen Van Thieu.

I am fully aware of the policy of John Foster Dulles. But this policy of the late Mr. Dulles did not bring any results. This policy created tensions in the world for a time and it increased the number of opponents of the U.S.

I do not want to belabor here in what points the Nixon Doctrine is similar to the John Foster Dulles policy and in what points it is different. But I want to deal with the concrete problems of South Vietnam, the military and political problems of South Vietnam. We should indulge in very concrete negotiations.

What I have told you about the South Vietnamese Administration, I am very frank with you.

As for points one and two, you said that they are not matters of principle. Are you prepared to discuss them now?

Dr. Kissinger: Let me go back for a moment to point three.

We have declared that we will not support any particular government in South Vietnam, including the existing government.

The problem is, and you spoke of Ambassador Bunker, that we are prepared to take any reasonable steps to make clear our neutrality in the elections, and to make clear that the activities of American personnel can give rise to no misapprehensions in this. So the major problem is how to express these intentions in a way that is acceptable both to you and to us.

I agree with the absent Special Adviser and the Minister that if we can settle the obstacle of point three all the other issues can be settled.

I have now figured out the Special Adviser's tactic. He knew I would be late in advance and so he didn't come at all. The Vietnamese side always wins.

But I am prepared to discuss points one and two in general terms. As far as I see, point two presents no difficulty for us as long as it is understood that it deals with all the prisoners in Indochina.

Xuan Thuy: Please go on.

Dr. Kissinger: I want to see if I understand the Minister correctly.

Xuan Thuy: I think that you raised the point previously and we agreed with your point, saying we discuss all points here and that on all points we should make recommendations to our allies.

Dr. Kissinger: You are prepared to make recommendations?

Xuan Thuy: We should agree first with each other.

Dr. Kissinger: Yes, of course, we are assuming that if we agree first on all these points then you will make recommendations.

Xuan Thuy: Naturally.

Dr. Kissinger: We are satisfied with point one. Do you have any views to express?

Xuan Thuy: I am not yet satisfied. We propose 1971. You propose August 1, 1972. The dates are still far apart. I do not understand why you propose so remote a date. I only praised you for having set a specific date. But this date, I have not agreed to it.

If you had proposed a specific date when we talked last year I think the problem would be solved by now.

Dr. Kissinger: I suspect that if we keep talking at this rate, we will still be here on December 31, and Madame Binh will be forced to set a new date.

Xuan Thuy: So you want to drag on these negotiations?

Dr. Kissinger: As I told you before, December 31 is out of the question.

But if we settle all the other points I believe we can adjust the date slightly to take account of any good will shown by your side on other issues.

Xuan Thuy: We have proposed some day in 1971, not necessarily December 31. Now you have proposed August 31, 1972, and you said that you would slightly adjust the date if we settle other problems. But the two dates are still very far apart.

Dr. Kissinger: Seven months is not so far,

Xuan Thuy: You have not explained why you have taken such a late date.

Dr. Kissinger: We believe it will not be possible to complete this withdrawal without total chaos in the time period the Minister has indicated.

Now with respect to the question which the Minister asked me, I would like to respond also. With respect to whatever small number of technical advisers left after our withdrawal, they would be kept within fixed designated locations and would also be withdrawn within a fixed designated period after that.

But I would like to reserve this for when we come to concrete negotiations.

Xuan Thuy: We propose a date for troop withdrawal which is reasonable enough, and you said that you cannot withdraw in such a short period. Moreover, you said that such a withdrawal in the proposed time table will create total chaos. On the other hand, you said you will not change Nguyen Van Thieu.

So these two points confirm your aims.

Dr. Kissinger: You want us to bring about a situation there in which the collapse of the government there is guaranteed in advance and immediate. We want to bring about a situation in which a change of government is possible but in which we do not ourselves guarantee to bring it about.

Five or six more months of steady decline in American forces will not change the political reality of South Vietnam. If you analyze the political realities of South Vietnam and the political realities of America, it must be clear to you that for us to interfere on a permanent basis in a country ten thousand miles away from the U.S. is not realistic, and it is not the policy of this Administration.

General Walters is of the view that you want the dessert before the soup.

Xuan Thuy: You have been to China. You saw that they eat dessert in the middle of the meal.

Dr. Kissinger: I will never again listen to General Walters. I'll conduct my own negotiations.

Xuan Thuy: I feel that I cannot understand why Nguyen Van Thieu, having in his hands the military apparatus, the administrative machinery, the political machinery, pacification teams, propaganda teams, why only a statement made by the U.S. Government to the effect that it will be neutral in the elections can prevent Thieu from being re-elected, or why another person without the machinery can win the elections. You have been to South Vietnam and you can see more concrete facts than I can.

Dr. Kissinger: I sincerely believe that a statement of principles such as the one today, saying that there will eventually be limits on our military assistance and the withdrawal of American forces, and that we favor the neutrality of South Vietnam, coupled with the general constellation of world affairs, will create new political realities in South Vietnam. I don't predict that Thieu will lose. I predict that it will create a new context, and if this does not happen after a signed statement of principles, there will be other occasions to talk.

Xuan Thuy: Have you finished?

Dr. Kissinger: Yes.

Xuan Thuy: So regarding point three, we have not yet the elements for an agreement, although the explanations you give me are interesting. But I am afraid that in practice it is not as you say. Therefore I would like to propose that you give further thinking to this question.

As to the other points, you should also further consider them.

We should now fix another meeting.

Dr. Kissinger: Now, Mr. Minister, we have got this problem.

I can see a possible way of solving seven out of eight points or eight out of nine points. But we have now spent three sessions on point three and I'm not clear what will happen at the next meeting that has not already happened in the previous sessions.

Moreover if our next meeting is in September, then all our reflections on the elections will be quite meaningless, for it will be too late.

Besides, I have another problem, which is your problem. I have invited the Delegate General, and now I will invite the Minister, to come to the U.S. to the next moon shot which takes place in November. Since that is in November, if you don't hurry, what will we do?

Xuan Thuy: The Delegate General and myself thank you beforehand for the invitation, but I should point out that in your eight points that you are self-contradictory.

Dr. Kissinger: Do I have anything about the moon shot in there?

Xuan Thuy: We should put aside the question of the moon shot, for it is far away.

Dr. Kissinger: I was certain that when I mentioned that, the Minister would immediately sign my eight points.

Xuan Thuy: We are speaking, now of the earth first, and I spoke of your eight points as being self-contradictory.

You propose signing an agreement on November 1, but the elections are the end of August for the Lower House and October 3 for President. November 1 is after that.

Dr. Kissinger: No, there's two stages, I propose that we sign an agreement in principle as soon as possible. These eight points are not the final agreement, but the agreement in principle. These eight points can be signed as quickly as possible, I repeat. I also think that the final agreement should be signed before November 1. We are willing to sign that as soon as possible also. Our proposal is to agree on the principles first, to announce them publicly, and then use them to serve as a base for agreement.

Xuan Thuy: I agree with you that we should reach an agreement in principle, and then we should also have a final agreement. But regarding the agreement in principle, there are two points, the military and political questions, as you have presented them it is difficult to settle them very soon, promptly.

You want an early settlement. We want an early settlement. But your approach prevents an early settlement.

Therefore I propose you think further about it.

Dr. Kissinger: I propose you do so also. We have made a sincere effort to incorporate your side's ideas. You don't believe we have made a real effort but it is a sincere effort.

You are Vietnamese. You should know what is reasonable in the Vietnamese political context. We do not perhaps have enough imagination for handling Vietnamese affairs. We certainly have shown our incompetence in understanding Vietnamese political affairs. What you ask is impossible, I told you before. Maybe there's some other formula to allow the really free expression of the will of the South Vietnamese people. We are willing to consider it. You cannot ask us to do things which are truly impossible, and which will be even more impossible in a year when we will have further reduced our forces unilaterally.

The objective of a South Vietnam which is neither Communist nor allied to the U.S. gives us no problem.

If you can come up with a formulation, we will look at it with great care and with an attempt to come with an agreed formulation.

Xuan Thuy: I have explained our views on this point in previous sessions, but I still think that it is due to your unwillingness.

I would like to ask you a question. What do you think of the prospects in South Vietnam, aside from the statement you propose to

make on which I have expressed my views that it is impractical? How do you evaluate the prospects of the elections? Because your forces are still in South Vietnam, the Nguyen Van Thieu Administration is still under your control. You give economic aid to South Vietnam. You know the situation.

Dr. Kissinger: I will give you my honest judgment.

I think that if nothing happens between now and the elections, the existing government will certainly win. I believe that if we had agreed on a statement of principles along this line, or on something like this, and if we adopted them together with detailed instructions to all our people, then there is a chance, not a certainty, that General Minh may win.

I also believe that if we had an agreement or an understanding that the U.S. would maintain a position of neutrality, then any government in South Vietnam which pursued extremely repulsive policies could be affected by the degree of economic assistance we give it, and that our decisions would be affected by their actions.

But if there is no agreement, then what you fear most is certain to happen.

That is my sincere personal conviction.

Xuan Thuy: You are saying that there is a chance, not a certainty for General Minh to win the election.

Dr. Kissinger: That is right.

Xuan Thuy: That is tantamount to saying that Thieu will win.

Dr. Kissinger: That is thinking like a Vietnamese. I do not know. I sincerely do not know.

Xuan Thuy: But finally, it will be tantamount to a victory.

Dr. Kissinger: In that case, let us just wait until after the election, and then we will see where we are.

Xuan Thuy: As far as we are concerned, we agree with the PRG when it says that so long as Nguyen Van Thieu remains there, the PRG is not prepared to talk with the South Vietnamese government and therefore there will be no settlement. But if there is anyone else beside Thieu, who replaces Thieu and who favors peace, independence and neutrality, then the PRG will be prepared to talk with such a person for a real, peaceful settlement, without naming anyone.

Now since you have given me your explanation, I have listened to you. I believe it always lacks guarantees.

Dr. Kissinger: That is true. That is the point. We cannot guarantee the results. But we can guarantee that over a period of time we will use all our influence to guarantee a free political expression.

Well, Mr. Minister, what should we do?

Xuan Thuy: I think that you should think over what I have said today, and we should do the same regarding your points and we shall meet again.

Dr. Kissinger: Okay. Shall we get in touch with each other? How should we do it?

Xuan Thuy: We should fix a date. You think we shall meet again in September?

Dr. Kissinger: Let me see. (Checks calendar)

Xuan Thuy: We are a little busy at the end of August and at the beginning of September. It is our national holiday.

Dr. Kissinger: How about September 13? It is very late for doing anything to affect the elections, but . . .

Xuan Thuy: September 13. I agree.

Dr. Kissinger: I'm going to take General Walters back to the U.S. on my plane for a week. You'll have no need to get in touch with him before or will you?

Xuan Thuy: During this time we will study your proposal.

Dr. Kissinger: He will be back August 25.

Xuan Thuy: All right.

Kissinger: If there should be some emergency, or some particular need, you can call General Walters' secretary and say Mr. Andre wants to reach him and he'll come back immediately. It is possible that when the Special Adviser reads my protocol he will want to sign my eight points. I think he is so eager to see the moon shot. He is invited also.

Xuan Thuy: That will be very good. But I am afraid that Mr. Le Duc Tho will have more comment to make than I and you will have more explanations to give him.

Dr. Kissinger: He is very difficult. I know.

If it turns out that we want to move the date to any day before September 13, is there any date which is impossible for you? I know the 9th is impossible, because of the meeting that day on Thursday.

Xuan Thuy: Is the 11th or the 12th okay?

Dr. Kissinger: I might want to meet on the 10th.

Xuan Thuy: That would be all right with us.

Dr. Kissinger: Let us leave it on the 13th, unless there is something.

Xuan Thuy: Either the 10th or the 13th.

Dr. Kissinger: Unless you hear from us, keep it on the 13th. But with your permission I would like to keep the schedule open. I don't have my September schedule here. I would like to keep open the possibility of the 10th.

Xuan Thuy: You told me the other day that Amb. Porter would come one week after Amb. Bruce's departure. When will he come?

Dr. Kissinger: Mr. Porter will be at the meeting of September 2. It is a purely technical problem of leaving his Embassy, coming here, and bringing his family.

I have the impression that the Minister does not have very close personal ties with Mr. Habib.

Xuan Thuy: In the past we have met each other many times. Mr. Habib is a clever man. He understands the Vietnam problem very well. The only thing is that he abides very strictly by Mr. Nixon's and Mr. Kissinger's policy. This delays a settlement.

Dr. Kissinger: Then why do you want to talk to me? I abide by our policy also.

Xuan Thuy: Because you have given instructions to your Kleber Street men which are different than what you tell me.

Dr. Kissinger: We will inform Ambassador Porter in a general way about this channel but no one else.

And in the future we will not comment if any of your allies repeat to us what you have told them.

Xuan Thuy: We should keep our words which we have said here.

Kissinger: We always do.

(At this point the meeting broke up. During a concluding exchange as he walked to the door, Dr. Kissinger said to Xuan Thuy that Xuan Thuy should know that we daily receive recommendations from our commanders to bomb North Vietnamese military installations and concentrations in and around and north of the DMZ. We have not followed these recommendations. But Xuan Thuy should know that if the North Vietnamese launch a major offensive in that area, it could lead to drastic consequences. Xuan Thuy did not argue with this but repeated that Mr. Kissinger should look into recent U.S. statements and military actions.)

13. Memorandum of Conversation¹

Paris, September 13, 1971, 11:25 a.m.–1:30 p.m.

PARTICIPANTS

Xuan Thuy, Chief of North Vietnamese Delegation
 Vo Van Sung, North Vietnamese Delegate General in Paris
 Phan Hien, Member of North Vietnamese Delegation
 North Vietnamese Interpreter
 One Other North Vietnamese Official
 Henry A. Kissinger, Assistant to the President for National Security Affairs
 Major General Vernon Walters, Defense Attaché
 Winston Lord, NSC Staff
 John D. Negroponte, NSC Staff

Dr. Kissinger: The last time I was late. I am early this time.

Xuan Thuy: It is not good to be too late or too early.

Dr. Kissinger: I don't expect the Minister to let me win the war, but could he let me win one small argument? The Minister doesn't want to bear the responsibility for my having an inferiority complex.

You all know Mr. Negroponte. We have sent Mr. Smyser back to school. Mr. Smyser will rejoin us for our twenty-fifth meeting in September of 1972. He has been sent to the university for one year. Mr. Negroponte is on my staff. He does not work for anyone else.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 1039, Files for the President, Vietnam Negotiations, HAK II 1971. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at the North Vietnamese Residence at 11 Rue Darthé.

In a September 13 memorandum to Nixon, Kissinger described the discussion as "the shortest meeting on record." Le Duc Tho did not attend, and they were at an impasse and agreed not to plan another meeting. (Ibid.) Kissinger observed in his memoirs: "The absence of Le Duc Tho could leave no further doubt that we had run out the string on this series of meetings. Xuan Thuy made no effort to say anything new, in effect reading a propaganda speech of the kind put forth repetitively in the plenary sessions of Avenue Kléber. The meeting adjourned after two hours, the shortest secret session ever. We parted with the understanding that either side could reopen the channel if it had something new to say." (Kissinger, *White House Years*, p. 1036)

Xuan Thuy had pushed for the meeting at Politburo direction. In a September 7 cable from Le Duc Tho and Foreign Minister Nguyen Duy Trinh, Thuy was told: "Our strategy for the diplomatic struggle at this time is directly linked to our strategy on the battlefield, so at least for the moment we cannot resolve anything with the Americans and we must instead patiently and steadfastly prolong the [secret] discussions." (Message from Nguyen Duy Trinh and Le Duc Tho to Xuan Thuy, 7 September 1971, in Doan Duc, et al., compilers, *Major Events: The Diplomatic Struggle and International Activities during the Resistance War Against the Americans to Save the Nation, 1954–1975*, volume 4, pp. 299–300)

With the change of Ambassadors I want the Minister to know that Ambassador Porter knows about these discussions, but no one else on the delegation. But he is not authorized to discuss them.

Xuan Thuy: I met Ambassador Porter once on September 9th.

Dr. Kissinger: I also understand that the Minister met with Senator McGovern.

Xuan Thuy: Yes, I did. He came here and met many people.

Dr. Kissinger: Has the Minister decided which United States candidate he will support in 1972?

Xuan Thuy: That is up to the American people. I am certain you will support President Nixon.

How shall we proceed now?

Dr. Kissinger: I think it is the Minister's turn to open this meeting. I presented our eight points at the beginning of the last meeting. How is the Special Adviser getting along?

Xuan Thuy: The Special Adviser is still in Hanoi. He asked that when I see you again to convey his greetings.

So you give me the opportunity to speak first.

We have studied carefully the eight points you put forward the last time on August 16. In our view we think that as in the last time when you put forward your seven points you did not go directly to the substance of a settlement of the political problem of South Vietnam. You argue that if the two parties could come to agreement on the other principles, then such agreement would affect the political situation in South Vietnam and particularly will affect the forthcoming elections. You said that the U.S. would be neutral in the election for the Lower House as well as the Presidency of South Vietnam. You said that the United States will abstain from supporting any candidate in South Vietnam.

But after the statement of President Nixon about United States neutrality in the election and after the activities of Ambassador Bunker in South Vietnam, the situation in South Vietnam has been revealed very clearly. Measures of terror and fraud in the Lower House election have been seen by everyone. The United States has supported fascist and dictatorial acts by Nguyen Van Thieu and has stepped up its intervention more than ever with a view to preserving the Administration headed by Thieu. The United States has directed the electoral farce in South Vietnam so that the group of Nguyen Van Thieu could win the election.

Now the United States is preparing for the election of Nguyen Van Thieu again to the Presidency. And at the same time the U.S. is persuading other people to run in the election so as to give it a democratic facade. We have laid stress on the change of Nguyen Van

Thieu and you have strived to consolidate the Nguyen Van Thieu Administration.

We have repeatedly reiterated that if the United States Government maintains the Nguyen Van Thieu Administration, then we can come to no settlement at all. And we are not alone in saying so. The Vietnamese people as a whole and world opinion hold the same view. The United States actions are just the contrary of United States words.

In my view the eight points which you put forward the last time in the face of the present situation in South Vietnam, these eight points have no ground, no basis. Therefore I would like to ask you how shall we negotiate the political problem now? I wonder what you will be saying on this subject. I am prepared to listen to you.

Another point I would like to take up now is the question of the withdrawal of the United States and other foreign forces from South Vietnam. You said that the terminal date for U.S. troop withdrawal would be August 1, 1972 if an agreement could be signed on November 1, 1971. So you still maintain the period for troop withdrawal is nine months provided that an agreement is reached. And if no agreement is reached, then the nine month period remains. Thus the final date you have given you use only to illustrate your position.

On the other hand, Mr. Special Adviser said that you would leave behind American military advisers and technical personnel. This shows that you are not willing to withdraw the totality of United States forces and that you continue to support and give aid to the Saigon Administration.

Moreover, you insist upon a limit of aid to North Vietnam. This is very absurd and constitutes a violation, an encroachment on the sovereignty of the Democratic Republic of Vietnam. We therefore emphatically reject this proposal.

Therefore what I said in point 1 regarding the total withdrawal of United States forces in 1971 and what you have said in your eight points are still far apart. The last time we expressed our preliminary comments and after careful study of your proposal we have realized more clearly our own views.

As for comment on the other points, I still feel we should concentrate on the questions of withdrawal and the Saigon Administration. The other problems can only be settled easily when we can agree on these two points. You propose that we should agree on a statement of principles. The great principles include precisely the questions of U.S. troop withdrawal and the Saigon Administration.

Since you put forward your eight points the actual situation has demonstrated our views. I am now awaiting your views.

Dr. Kissinger: Is that all you have to say, or is there anything else?

Xuan Thuy: After a second examination of your proposal I realized that the two crucial points on which we should exchange views thoroughly are the questions of troop withdrawal and the Saigon Administration.

Dr. Kissinger: I appreciate the comments of the Minister which I have already read several times in the protocols of Avenue Kleber. While I recognize the points the Minister made and while I will say one or two things about them, I think they are really beside the point. I know the Minister has read his instructions and so I reply to whoever drafted his instructions. The authors of those instructions know as well as I do . . .

Xuan Thuy: I wonder whether you will be answering personally or on behalf of the White House?

Dr. Kissinger: On behalf of the White House.

Xuan Thuy: If you speak on behalf of the White House, I am prepared to listen to you, but if it is your personal view then I am only prepared to listen partially. Because you say I speak from instructions. Therefore I say I am prepared to listen to the instructions you have received from the White House.

Dr. Kissinger: You will. It is perfectly clear that we did not step up our intervention in South Vietnam. The opposite is true. It is not true that we participated in the electoral process so that President Thieu can win. The opposite is true. We have tried for two months with good will and a serious attitude to implement the propositions which we have advanced. If you had approached us with a serious attitude, you would have seen that we would have made a serious effort to assure that the South Vietnamese people could express their views.

Those who have negotiated with us seriously have found that we carried out the letter and the spirit of every agreement we have made.

But we are getting tired of being accused at every session of trickery and deceit. We recognize that the problem is difficult and we have understanding for your concerns. And we are more than prepared to meet as many of your concerns as we reasonably can. But we demand the same attitude toward ourselves.

It is difficult to believe the seriousness of a Government which has on four occasions in the last year made the special representative of the President come here to Paris without the presence of the representative of Hanoi. This has happened in fact on five occasions, twice in September of 1970, once in May 1971, in August and again now.

Let me sum up where I think we stand, and I believe we have reached the end of these discussions.

We have made a major effort to come to a rapid agreement with you. We recognized that you have major problems and we have spent

our time attempting to meet them. We believed that they could all be worked out if there were a real intention to reach agreement.

If we could have reached agreement on some general principles, you would have found us a willing partner in the search for peace which is the highest goal of this Administration and which, as you well know, I started as a private citizen.

Since May 31 we have done the following things:

—We have agreed to fix a date for American and allied withdrawals as part of a negotiated settlement.

In all our proposals, incidentally, we have followed the outline of your seven and nine points and drawn on the language of your formulations to the maximum extent possible in order to show our good will and serious intent.

—We have said that if the other aspects of a settlement are agreed, we would consider some adjustments in that timetable.

—We have agreed that the question of the armed forces of Indochina should be settled among the Indochinese parties themselves, as you proposed.

—With respect to prisoners of war we have changed our position that the release should be completed two months before completion of withdrawals and agreed to your proposal that release be completed at the same time as withdrawals.

—We have agreed that the 1954 and 1962 Geneva Agreements should be respected, that there should be no foreign intervention in the Indochinese countries, and that the Indochinese people be left to settle their own affairs, in effect your points 5 and 6.

—We have agreed that the problems of the Indochinese countries be settled on the basis of mutual respect for independence, sovereignty, territorial integrity, and non-interference, which is drawn verbatim from the first sentence of your point 6.

—We have agreed that South Vietnam should adopt a foreign policy of neutrality, based on Madame Binh's points 4B and 5.

—We have agreed that reunification should be left to North and South Vietnam, in effect, Madame Binh's point 4A.

—We have agreed that there should be a general ceasefire throughout Indochina as part of an overall settlement instead of an immediate ceasefire before a settlement which we proposed on October 7. Of course, we continue to prefer an immediate ceasefire.

—On the political issues we have agreed to include political as well as military issues in a negotiated settlement.

—We have declared that the South Vietnamese should determine their own political future and that we would not attempt to shape it.

—We have agreed to make a series of declarations that would give force to that pledge and which we believe would have a major political impact on South Vietnamese political life.

—We have said that we would support no candidate, and would remain neutral in the South Vietnamese election.

—We have said that we would abide by the outcome of either these elections or any other political processes shaped by the South Vietnamese.

—We have said we would agree to a limitation on our military and economic assistance relationship with any government in South Vietnam.

—We have told you honestly that we are not experts on South Vietnamese politics and perhaps we don't understand them sufficiently. And we have asked for some counter formulation and we are prepared to listen to counter proposals from you. We have received nothing but vilification and untrue statements.

—Finally we have told you that upon signature of an agreement in principle, the President is prepared to recommend to Congress a \$7.5 billion aid program for all Indochina, of which \$2 to \$2.5 billion would be earmarked for North Vietnam.

These are not the actions of a government which does not want an agreement.

These are not the actions of a government that wants to trick or deceive you. If we want to waste time, we can do it at Kleber. You have proven you are able to do it there with the able assistance of our colleagues.

I do not believe that the issue of withdrawal would present an insurmountable problem.

There is only one issue and that is the political problem. We admit that it is extremely difficult. We are prepared to listen to any reasonable proposal.

So far you have asked us to impose one particular government on Vietnam and to overthrow the existing government. We have told you again and again and I'm telling you once more today we are prepared to discuss with you how to establish a political process which truly gives the South Vietnamese people a chance to express their views. And we have said on innumerable occasions that we are willing to abide by the outcome of the political process.

The results of this summer in no respect have come up to our expectations. (Xuan Thuy asked Mr. Kissinger to repeat the last sentence which was then repeated.)

We have not discussed our negotiations here with any of your allies. But if you ask those of your allies who have negotiated with us

they will describe us as having been meticulous and having attempted in good faith to carry out agreements we have made.

As I have told you on innumerable occasions, the President does not have to send his principal foreign policy adviser secretly twelve times to Paris in order to waste time.

He does not have to send me here in order to engage in petty maneuvers of trickery. Nor have you explained why I, as a private citizen and against the opposition of the entire government, launched negotiations for a bombing halt, nor why I now in the government should engage in maneuvers designed to thwart negotiations.

So the choice is up to you. If you have any concrete ideas of how to escape the deadlock which we have reached you can be sure we will examine them constructively and with the attitude of finding an acceptable solution.

Our strong preference is for negotiations and peace, the quicker the better. Whenever you choose this course we will be prepared to join you immediately and discuss with you seriously. But since this point has not yet been reached, I recommend we adjourn this channel until either of us has something new to say.

Xuan Thuy: Have you finished?

Dr. Kissinger: Yes.

Xuan Thuy: Let me say this. We have also told you many times no other people want peace more earnestly than the Vietnamese people. We have a long history of struggle against foreign aggression. We can say speaking of Vietnam as a whole that since World War II there has not been a day in Vietnam when the shooting has stopped.

Therefore what we desire the most is to have peace so that we can engage in peaceful reconstruction of our country. We want to live in friendship with all other peoples. What we want to see is countries with a higher level of science and technology help us with our peaceful reconstruction.

But to have peace we must have genuine independence and freedom.

The Vietnamese people cannot accept peace while still under the threat of bombing and shelling. The Vietnamese cannot accept peace without genuine independence and freedom.

The Vietnamese people are reasonable. We respect culture, we are courteous, and we always reciprocate at a higher level than those who deal with us.

As for those who only look to their own interests and have no respect for our interests, we are always ready to do the same.

The Paris Conference has lasted for three years. This proves my assertions. In negotiations we have proven good will and serious intent.

We are patient and we persevere in getting peace. We want to settle the Vietnam problem by peaceful means and not by war.

But if at the Paris Conference trickery is used against us we always have a response. Similarly, on the battlefields we are also prepared to respond.

Mr. Special Advisor Kissinger says that you have crossed the ocean many times to come here. I have told you too that our government desires a peaceful settlement. That is why when the President of the United States downgraded the Paris Conference, I remained here.

I am entrusted with plenipotentiary power. I have the responsibility to reach peace through negotiations. Therefore, whenever you are prepared to have negotiations to reach peace, we are also prepared to do that. But when you are prepared to use other means, we are also prepared to take other means to cope with the situation.

The views you have expressed here today have not brought anything. You have only related things we know already and I don't want to comment on all the points now.

At the very beginning I told you that the crucial problems are the military and the political problems. If we can come to a reasonable settlement of these two problems, the other problems can be settled. These are the two problems which constitute the spinal cord, the spinal bone of the declaration of principles. We still have diverging views.

You have proposed a period for your troop withdrawal. This period does not suit us. We have explained how and why it does not suit us.

Regarding the Saigon Administration, you tried to explain time and again your position regarding this question. The more you explain this question, the more the actual situation belies your assertions. I really did not expect that after the election for the Lower House in South Vietnam and after the activities of Ambassador Bunker towards the candidates in South Vietnam, that Mr. Special Advisor Kissinger would still affirm that the United States wants fair elections in South Vietnam, that you want to abstain from influencing the results, and that you want the South Vietnamese people to freely express their views.

Therefore whatever you say, we have to look at the facts. The facts are that the United States wants to leave behind troops and is unwilling to totally withdraw them. When you make statements about the period of troop withdrawal, about leaving behind advisers, and about limiting aid to North Vietnam, these statements clearly show your position.

My second conclusion is that the United States, one way or another, wants to maintain the Nguyen Van Thieu Administration in power in order to implement neocolonialism in South Vietnam.

As for us, we require the United States' withdrawal in totality in 1971—the totality of U.S. forces include ground, navy, and air forces,

military and technical advisers, war material, military bases, without any reservation or exceptions.

As to the question of power in South Vietnam, we insist that if the United States strives to maintain the Nguyen Van Thieu Administration then no settlement can ensue.

So I agree with Mr. Special Advisor to adjourn this channel, since our views are still far diverging, until either party has something new. Then we should meet again.

In our view, the seven points of the Provisional Revolutionary Government and the nine points we have put forward here are reasonable and logical proposals. It is not true as you said that we repeat here what we say at Kleber Street. I propose you read again the minutes we have of our meeting here. Look at what I have told you and look at what I have said at Kleber Street. We always keep our word and we match our words with our deeds. We are prepared for a peaceful settlement with good will.

Dr. Kissinger: Are you finished?

Xuan Thuy: Yes.

Dr. Kissinger: Let me just comment on a few things you have said so that we don't misunderstand each other.

First, I would like to express my high esteem for the Minister with whom I have now met twelve times. I respect the meticulousness and the toughness with which he has carried out his instructions.

If we nevertheless consider it a sign of disrespect to the President that no representative is sent from Hanoi, it is not out of disrespect but only due to the fact that we also have an envoy here with plenipotentiary powers.

Xuan Thuy: Could you repeat that?

Dr. Kissinger: We also have an Ambassador here who has every power to negotiate. There's no need to send the President's Special Advisor here.

I want to make absolutely clear my high personal esteem, and that of my government for the abilities of the Minister, which for our taste are sometimes too formidable.

It is simply hard to believe the desire of the government in Hanoi to settle rapidly if there is no representative of its political leadership here.

As for the other points which the Minister raised, I simply wish to keep the record clear.

Let me repeat, first, we believe that the issue of troop withdrawal is soluble and I believe that if the Minister put his negotiating skills to the matter we could resolve that problem if the other points were settled.

Second, regarding the limit on military aid to North Vietnam, the point we made was that we offer, without being asked, to limit our military aid to South Vietnam and we have said that this should be in proportion to the limits on military aid to North Vietnam.

Xuan Thuy: You act as if Vietnam were yours, as if North Vietnam belonged to you too. Vietnam belongs to the Vietnamese people.

Dr. Kissinger: You know we don't believe that. We have said a hundred times that we want the independence of Vietnam. There is no sense in going through the same exercise.

It takes a special form of logic to believe that the United States which is withdrawing from all over Asia, wants to keep forces in one particular corner of Asia.

Now regarding the maintenance of a particular government in South Vietnam, if you have any information about South Vietnam at all, then you will know that we did our best to try to arrange a fair electoral process for the South Vietnamese people at this time.

But I don't want to talk about the present election situation because now it is too late to do anything about it. I continue to believe that if we had understood each other earlier many things would have been possible.

I want to tell you again that it is up to you whether to believe me or not; that's your problem. If you want a settlement, I believe one is possible. We are not committed to maintaining any particular government in Vietnam. Your refusal to settle with us has the objective consequence that we have no other choice.

We are prepared, as I have said to you many times, to discuss with you what constitutes a free political process. We are not prepared to exclude any particular group, either those who support Thieu or those who support others. And if you had put your energies on this problem then you would have found us prepared to discuss it with you.

Ever since I first met the Minister over two years ago, I have proposed that we set a terminal date for ourselves and that we hold to it. If you want to ask your Soviet colleagues, you will find I gave them a precise schedule of how we would settle the Berlin question, and we beat that schedule by two weeks.

You have chosen to use this channel in a different way, to present us with a series of ultimatums instead of cooperative effort to resolve common problems. That is your choice.

Each side will now have to do what it must do. As far as we are concerned, we are prepared to make a serious effort to make peace with you whenever you are ready to make a serious effort with us.

Xuan Thuy: Have you finished?

I would like to make something clear about your interlocutor here and at Kleber Street.

Normally I would not have been at Kleber Street to lead the DRV delegation. The Provisional Revolutionary Government would not have appointed its Foreign Minister to these negotiations. This shows the importance we attach to the Paris Conference in a settlement of the Vietnam problem. But the party which has used the Paris Conference for other purposes is the United States.

Formally speaking, I should return to Hanoi; Mrs. Binh should return to her government; and we should appoint here a person at the same rank as Ambassador Porter.

Whenever a meeting is necessary with Mr. Special Advisor, then I and Mr. Le Duc Tho, together or alternately, could come here to meet you. So formally speaking, we have shown our respect to you.

Don't make the mistake of thinking you are important and we are not important. I think that the formal aspect is not crucial to the settlement of the problem. What is crucial is the substance of the problem, whether the U.S. is willing to settle the problem, whether we are willing to settle the problem.

I would not like to repeat once again the two questions concerning troop withdrawal and the Saigon Administration. We attach importance to these two points.

Dr. Kissinger: But you do not have any proposals? May I ask a question just so that I can tell the President exactly what you have in mind?

Xuan Thuy: Yes.

Dr. Kissinger: Your point 3—I mean point 3 of your 9 point proposal and not Madame Binh's. You say that the U.S. should stop supporting Thieu and should make a secret agreement; you say a lot of other vague things. But you never say concretely what you want us to do.

You have said we should use the October 3 elections to bring this about. Our proposal was designed to have maximum impact on the election. In the conditions now existing that is now impossible.

We still believe the framework of our point 3 provides an opportunity to move in that direction of a free choice.

I have told you a hundred times that we are not supporting any particular government. You have never made a concrete operational proposal. Maybe you have to the *New York Times*, and I do not know yet what you have said to Senator McGovern. But not to me.

So what concretely do you have in mind under existing conditions? What do you want us to say? How would you formulate point 3? Our point 3? Even if we accepted your point 3 it doesn't mean anything; it is just an abstract point.

Xuan Thuy: I think that what is important is the substance of the problem. As to the wording, an agreement to the wording is easy. As

to the substance, we think that the United States now is unwilling to give up Nguyen Van Thieu. And without that, without giving up Nguyen Van Thieu, no settlement can be reached.²

Once Le Duc Tho proposed a concrete idea. I have advanced a concrete idea.

Dr. Kissinger: What was Le Duc Tho's concrete idea? The Special Advisor is so fertile with ideas, I do not remember which one it was.

Xuan Thuy: You can look again at the minutes of the meeting. As for myself I have suggested that Nguyen Van Thieu resign, but you consider this suggestion impossible and you want to act in your own way. And in such a way we feel you want to cover up your designs to maintain Nguyen Van Thieu.

Now the Nguyen Van Thieu Administration controls nearly a million man army equipped by the United States with American advisers. The Administration of Nguyen Van Thieu has a huge police force and a great number of pacification teams besides a heavy net of CIA agents in South Vietnam and over 200,000 United States troops in South Vietnam.

The United States is now helping Nguyen Van Thieu to transport his forces and launch operations here and there. The United States Embassy is doing everything to support Nguyen Van Thieu militarily and politically. (While Thuy's remarks were being translated, Mr. Kissinger interjected that this was "nonsense.") You cannot give up Nguyen Van Thieu.

Dr. Kissinger: For the hundredth and twentieth time I tell you the question is not whether to support or give up Thieu, but what process will shape the future of Vietnam after the settlement.

Mr. Minister, do you have anything else?

Xuan Thuy: You often state that you do not support any special candidate. What you want to find out is how to realize a political process in South Vietnam, a process that is democratic, free and so the people of South Vietnam can express their views.

That argument is known to us and world opinion, but you use it to cover up the substance of the problem, that is to say the United States wants to maintain Nguyen Van Thieu.

And the facts, the actual situation, have been demonstrated sufficiently to every Vietnamese, and to all peaceloving people of the world.

Dr. Kissinger: I suggest, Mr. Minister. . . . The only way we can deal together is on the basis of what we say. The President does not have to send his special advisor here secretly to play games.

² This paragraph was highlighted.

When you are willing to discuss seriously on the basis of what we say then we can discuss with you. Until you have tested us, it does not make any sense to psychoanalyze what I say. You have not even tested us.

You know how to reach General Walters.

Xuan Thuy: I agree, but I should add one more thing. Since you refer to whom I receive or meet with in the press, I wish to say that this is something we normally do. Whoever asks to meet us we receive them. If they ask about the situation or if they ask about our position, we answer. With journalists, we answer them as we please. But it is another question back home whether they write what I have told them. I feel that very few faithfully reflect what I have told them.

Second, you suggest that we should approach our allies. How do we negotiate Vietnam . . . ?

Dr. Kissinger: Not about Vietnam, but on other matters. Just to see how we conduct our negotiations. We have not discussed Vietnam with your allies.

We always believe that when I am involved in negotiations we could go secretly, rapidly and get to the heart of the matter. But for that it is important that we behave with honesty.

I am talking about matters which concern them, not matters that concern you. My point was that you will find that no one has been tricked by us. We have kept every promise. We have been tough negotiators, but we have kept every promise.

No one knows I have made 8 points, or 7 points to you, and no one knows what you have said. And we will not now approach any of your allies to give them an account of what has happened.

I told you on many occasions we believe that the war must be settled with you. Though we are disappointed we cannot settle here with you, we will not go to others to settle it. Whatever discussions we have with other countries, including your allies, will not concern you.

The war will be settled either by negotiations with you or unilaterally, but not by the intervention of other countries. That is our attitude.

Xuan Thuy: I have clearly understood you now. I too have been saying that a peaceful settlement should be sought in Paris.

Dr. Kissinger: I agree.

Xuan Thuy: Le Duc Tho and I maintain this secret channel with you. No one knows that we have put forward our nine points or your seven points.

Dr. Kissinger: Nor does anyone from us.

Xuan Thuy: So we have come to that point. If there is nothing more to say, then I propose we adjourn.

Dr. Kissinger: I have nothing more to say. But I still hope to greet the Minister in the United States sometime. I have not invited any other Vietnamese, North or South, except the Special Advisor.

Xuan Thuy: Thank you, and on behalf of Mr. Le Duc Tho, thank you beforehand. And if that is our desire, we should make efforts to bring that day closer.

Dr. Kissinger: That is our intention.

Stalemate and the Nadir of Negotiations, May 1972

14. Memorandum of Conversation¹

Paris, May 2, 1972, 10 a.m.–1 p.m.

PARTICIPANTS

Le Duc Tho, Special Adviser to the North Vietnamese Delegation to the Paris Peace Talks

Xuan Thuy, Minister and Head of North Vietnamese Delegation to the Paris Peace Talks

Phan Hien, Member of North Vietnamese Delegation to Paris Peace Talks

Nguyen Dinh Phuong, Interpreter

Two Notetakers

Henry A. Kissinger, Assistant to the President for National Security Affairs

Helmut Sonnenfeldt, NSC Staff Member

Winston Lord, NSC Staff Member

John Negroponte, NSC Staff Member

Kissinger: It is a pleasure to see the Special Adviser and Minister today, although these are not the circumstances I would have chosen.

Xuan Thuy: Shall we begin our work today?

Kissinger: Certainly.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 864, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David Memcons, May–October 1972 [5 of 5]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at the North Vietnamese Residence at 11 Rue Darthé. Tab A is attached but not printed.

This session was conducted during a major North Vietnamese offensive, known in the United States as the Easter Offensive, which was then reaching its high water mark with the fall of provincial capital Quang Tri. Nixon had responded to the offensive by ordering a massive air and naval reinforcement of South Vietnam, and by resuming air attacks on North Vietnam. The strategic situation was further complicated by the prospect of the Moscow Summit, which was planned for May 22–29.

In his May 2 report to the President about the meeting, Kissinger wrote: "I spent three hours today with Le Duc Tho and Xuan Thuy in a session that was thoroughly unproductive on substance but served to bolster further our negotiating record. I laid out various approaches for discussion, all of which they rejected. They made very clear that they were not prepared either to deescalate the fighting or offer anything new concerning a settlement." Therefore, Kissinger continued, "I broke off the private talks until either side has something new to say or their offensive stops." A stamped notation on Kissinger's memorandum indicates that the President saw it. (*Foreign Relations*, 1969–1976, vol. VIII, Vietnam, January–October 1972, Document 110)

In a conversation with Haldeman that day, the President noted how disappointed Kissinger had been with the lack of progress in the negotiations. Nixon continued: "But the point is, Bob, we have got to realize that on this whole business of negotiating with North Vietnam, Henry has never been right. Now, I just can't help it, but just have to say that, just a straight, flat-out conclusion." Haldeman replied: "Well, Al [Haig] never

Xuan Thuy: It is of great regret that the United States Government interrupted the private meetings here. Since the United States has now resumed the meetings we are ready to hear new ideas from the Special Adviser, but before doing that I would like to raise two questions to determine the problem.

Kissinger: Did he say we interrupted the meetings? We shouldn't start on this basis. We must get serious.

Xuan Thuy: The first problem is that you said that these private meetings should be kept secret but on January 25 President Nixon unilaterally made these meetings public. The first time President Nixon divulged the private meetings was at the time of Ambassador Cabot Lodge and the second time he made these meetings public was on January 25. I wonder whether these meetings should be secret or not. If the U.S. wants to keep the meetings secret, we are prepared to do so. If the U.S. wants the substance made public we are also prepared to do that.

The second point is that the plenary sessions are the basis for private meetings. However, the U.S. side invoked groundless pretexts to suspend the sessions at Avenue Kleber, thereby creating obstacles to private meetings. Therefore if the Vietnam problem is to be settled by negotiations the U.S. side should attend the Kleber street sessions as usual.

Before we begin our work today I would like to hear the Special Adviser's views on these two questions.

Kissinger: Regarding the first question, there is no point in reciting the circumstances which led us to publish the record of private meetings, including the fact that we were being asked to answer the seven points publicly when we had already answered your nine points in private, when we were challenged to give you answers which you knew very well we had already given. But I won't go into that now. We will waste too much time talking about history. Let us speak about the future.

thought he [Kissinger] was going to get anything." To this, Nixon responded: "Well, I didn't either." (National Archives, Nixon Presidential Materials, White House Tapes, Oval Office, Conversation 717-19; transcribed in *Foreign Relations*, 1969-1976, vol. VIII, Vietnam, January-October 1972, Document 110, footnote 2)

In reporting to the Politburo about this meeting, Le Duc Tho and Xuan Thuy wrote: "We rejected Kissinger's demand that we reduce the level of military activities, we rejected Kissinger's slanderous statement that we have violated the 1954 Geneva Agreement, and we said that his statement that we violated the secret accord was baseless. We demanded that the U.S. talk directly to us about any ideas they have about a settlement and not speak to us through intermediaries." (Message from Nguyen Duy Trinh and Le Duc Tho to Xuan Thuy, 2 May 1972, in Doan Duc, et al., compilers, *Major Events: The Diplomatic Struggle and International Activities during the Resistance War Against the Americans to Save the Nation, 1954-1975*, volume 4, pp. 319-320)

I agree that the substance of these talks should in any event be kept secret and will not be revealed by us. I was going to ask the Special Adviser and Minister whether we should consider making a brief announcement of the fact of our meeting and say no more about it. Because the Special Adviser is so well known and given to so many enigmatic statements that people are likely to draw the conclusion anyway. We could agree on one sentence such as Special Adviser Le Duc Tho and Minister Xuan Thuy met with Dr. Kissinger yesterday in Paris. But I would like to hear your views on this. We would not discuss the substance. What do you think, Mr. Minister? Or should we wait until the end of the meeting to decide?

Xuan Thuy: Yes we better wait until the end of the meeting.

Kissinger: But in any event we will agree that whatever is done it will be done by mutual agreement.

Regarding the Minister's second question, whether plenaries and private sessions should be concurrent, we have always agreed that plenaries and private talks should take place side-by-side, with the plenaries working on the technical implementation of what is agreed at private sessions.

On the other hand, it is our view that progress now must be made. We have heard the eloquent general statements of the Minister and his lady colleague now for three and one-half years, but the time has now come to make progress. If there is progress then there is no problem about continuing either the private or public forums. So our present intention is to continue the plenary sessions in this framework.

Xuan Thuy: It is the common intention of both sides to reach a rapid settlement. We also want a negotiated settlement. If the war drags on it is not our fault. Now we don't want to return to this question but we should determine one point, that plenary sessions at Kleber Street should be held as usual to lay the basis for what we are doing here in private meetings.

Kissinger: This depends on what happens in these private meetings. As much as I enjoy the company of the Minister and his Special Adviser, I would prefer to reserve our general discussions for after the war.

Le Duc Tho: If the war is ended then there will be no need for discussions.

Kissinger: If the war is over then the Special Adviser will visit me in Harvard.

Le Duc Tho: In that case we will be discussing different subjects.

Kissinger: I see my colleagues have some new documents in front of them.

Xuan Thuy: These are old documents. We are looking forward to listening to your new documents. These documents are records of past statements you have made to us, and a white paper.

Kissinger: It is impossible to have a record of what I have said to you in such a little folder. I talk at such great length.

Xuan Thuy: They contain the gist of your statement only. Now please, it is your turn to speak first.

Kissinger: Mr. Minister and Mr. Special Adviser, I don't have any new proposal, all the more so since you have never replied to our October 11 and January 25 proposals.

I have, however, a very brief comment to make to express our general attitude. As I have told you before, the President would not send me across the ocean now for the thirteenth time unless he were seeking a rapid and just solution to the war. We remain prepared to reach a settlement that is fair to both sides and to abide by whatever outcome results from that settlement. As I have told you often, we realize that you will be in the area after we withdraw and that a settlement must meet your concerns if it is to be permanent.

Thus, I am still ready to discuss an honorable settlement that preserves your independence and your dignity. But you must have no misunderstanding. We will not hold such discussions at the point of a gun. There is no sense talking about future agreements while your invading armies are tearing up old ones. And it is difficult to trust your intentions when one considers the cynical game you have been playing in recent months with your careful orchestration of military offensives and the scheduling of our private meetings.

Because I am here to lay the basis for a rapid settlement, I do not want to waste our time in reciting all the evasions of recent months. But I have a document here which states our point of view as to what has happened, which you can read at your leisure. (Mr. Kissinger hands document to Xuan Thuy, attached at Tab A.)

Now obviously you know the facts of this paper very well. My only purpose in giving you this document is to make unmistakably clear to you that these particular maneuvers must end. We will no longer play this game and we will not yield to pressure.

In recent months you have refused even to discuss our 8 point proposal. Your response has been a massive invasion, geared to your repeated cancellation of private meetings. You have deployed almost your entire army outside your borders.

It is a complete violation of agreements to which you have been party, notably the Geneva Accords of 1954 and the 1968 Understandings. I will not spend time on summarizing these understandings since the Special Adviser and the Minister were present when they were negotiated. These understandings involve the status of the DMZ, the question of not shelling or rocketing major South Vietnamese cities, and the question of prompt and productive negotiations. All of these have been violated.

We will do what is necessary to remedy that situation and we will not depart from that course. I have often warned the Special Adviser and the Minister not to attempt to play domestic politics in the United States and I will do so again today. We are meeting with you today in the expectation that you have something constructive to say.

There are three requirements for effective negotiations. First, your offensive must stop. Second, the 1968 Understandings must be restored. Third, there must be serious, concrete and constructive negotiations leading to a rapid conclusion of the conflict.

We are prepared to make our contribution to this last point. We are willing to work with you to bring about a hopeful opening towards a peaceful settlement. But I don't want to underrate the seriousness of the point at which we meet and your side, which has chosen to launch a major offensive while pretending to prepare for private meetings with us, now has the responsibility to put forward concrete suggestions.

That is all I have to say at this moment. Besides, I understand your allies have already told you some of the ideas we have.

Thank you.

Xuan Thuy: I feel that Mr. Special Adviser today you have not brought anything new, and you have repeated the old allegations of Mr. Nixon which we have publicly rejected before. You say that we have violated the Geneva Accords but we repeatedly pointed out that it is the U.S. Administration which has violated these agreements. We have pointed out this fact many times. Moreover this fact has been revealed in the Pentagon secret papers.

You also referred to the so-called 1968 Understandings. Myself and Mr. Le Duc Tho, we held repeated private meetings with Mr. Harriman and finally we came to an agreement without any understanding. The U.S. cessation of bombardment of North Vietnam was complete and unconditional. Now you repeat these points and this is not leading us to any settlement. The documents are public and if you want them we can give them to you again.

Kissinger: Which documents?

Xuan Thuy: The documents we distributed at my April 17 and April 20 press conference.

Kissinger: When the Minister returns to Hanoi *The New York Times* will have to cut its staff considerably.

Xuan Thuy: It's up to them whether to cut its staff or not. If you want to read these, I can give them to you.

Kissinger: I think we should give this debate to our colleagues at Avenue Kleber.

Xuan Thuy: But since you referred to the Geneva Accords and the 1968 Understandings, I brought up these points. You raised precisely

what has been said at Kleber and now you refer to the 8 points published by President Nixon in January 1972.

On the 2nd of February the Provisional Revolutionary Government made a proposal in the form of two crucial points, two key points on which the PRG gave elaboration, more clarification on the basis of the 7 point plan, and you have not responded to these two crucial points.

As to these private meetings, they have been proposed by the U.S. side, but it is the U.S. side which has postponed them many times, so this meeting was delayed until today.

Kissinger: I don't know what world you live in, but I'm under the illusion that you postponed the private meetings. In fact, a man who says he's your representative was giving us notes, so we have it in writing.

Xuan Thuy: This private meeting should have been held long ago, but you have postponed it many times until today. If the facts are to be published then we should go to the origin of this problem. But I think we should not return to this point. I would like only to point out that what you just said has not brought anything new that can help these negotiations. Moreover, the points you have raised we have replied to many times at Kleber Street and in public. I don't think it is necessary to repeat them again.

I now give the floor to Mr. Special Adviser Le Duc Tho who may have something to tell you.

Le Duc Tho: I last met with Minister Xuan Thuy 7 or 8 months ago. I thought then that when I came here I would be able to listen to you going into the question of a solution that is intended to bring about the best solution to the conflict. Contrary to this, I feel I have not heard anything new from you today. I have heard again you say that you have come long distances for negotiations and you have said this many times. But the distances for me are longer and it takes longer for me to come.

And you assert many times that you want serious negotiations, but through your statement today I do not have such impression that you want serious negotiations.

I do not want to return to the past, but since you have recalled past questions and have asserted that we have made military pressures, we've made invasions, we have violated the Geneva Accords, and we have violated the 1968 Understandings, I feel obliged to return to the past situation in order to make it clear.

Who has made military pressure? Who has made invasion? Who has violated the Geneva Agreements? Who has violated the Understandings? The situation, the facts must be made clear.

If now the war is still prolonged, if the war is more and more atrocious, the responsibility is on the U.S. side. Since Mr. Nixon became

President almost four years have elapsed. His term is soon going to come to an end. It is public knowledge that under Mr. Nixon's Administration the war, the aggression has been expanded to Cambodia, and Xuan Thuy and I were holding private talks with you and it was the aggression against Cambodia that broke up the private talks at the time.

Kissinger: I think if Mr. Special Adviser consults his diary, he will find he left for Hanoi before the invasion of Cambodia. But I don't want to waste time on this because we are not going to get anywhere. We can save all of this for the joint seminar in history that Mr. Le Duc Tho and I are going to give at Harvard.

Le Duc Tho: At that time you staged the coup in Cambodia to prepare for the invasion. Then early in 1971 you conducted a major offensive against Route 9 in Laos. Then at the end of 1971 and during the first three months of 1972 the U.S. bombing of the DRV has been considerably intensified, and then there was your military offensive involving tens of thousands of troops which was carried out in the border region in Eastern South Vietnam and Cambodia.

These offensives show that you have used military pressure along with negotiations to compel us to accept your terms. That is why the people of the two zones of Vietnam have to oppose these offensives.

Let me quote from a recent statement published by Senator Fulbright . . .

Kissinger: I won't listen to statements by American domestic figures. I have told this to the Special Adviser.

Le Duc Tho: I would like to quote a sentence from Senator Fulbright to show you what Americans themselves are saying.

Kissinger: Our domestic discussions are of no concern of yours, and I understand what the Senator said.

Le Duc Tho: I would like to give you the evidence. It is an American source, not our source. Senator Fulbright said on April 8 that the acts of the liberation forces in South Vietnam are in direct response to your sabotage of the Paris Conference . . .

Kissinger: I have heard it before. There is no need to translate. Let's get on to the discussion.

Le Duc Tho: I would like to quote . . .

Kissinger: I have heard it before. Please go ahead.

Le Duc Tho: We are not alone to point out these facts. Even Americans of conscience have realized the facts and the truth.

Now you affirm we are making an invasion of South Vietnam. This is absurd. We have not sent our troops to the United States. We are not bombing the United States. We have no ships in U.S. territorial waters. You sent one-half million troops to Vietnam and thousands of

planes to bomb North Vietnam. So who is making the aggression? So your affirmation that we are conducting an invasion is groundless.

You have said that we violated the Geneva Accords, but it is the U.S. which has wrecked the Geneva Accords. The Pentagon papers have revealed this fact. So you have distorted the facts.

Now as for the understandings of 1968, Mr. Xuan Thuy and myself held many private meetings with Ambassador Harriman. The record is still there. We have partially published the record and you have said we violated the understandings. It is wrong for your side to accuse us of such facts. We should not spend so much time discussing these questions.

Kissinger: I agree.

Le Duc Tho: Because we said it many times. I have answered all these questions in my statements on arrival in Paris.

Kissinger: That's the trouble with the Special Adviser. He gives his answers before there are questions.

Le Duc Tho: Because we know beforehand what you will ask.

Kissinger: Does the Special Adviser know of the cartoon of General DeGaulle who once held a lengthy press conference and at the end of his monologue asked, "Now, does someone want to ask a question to my answer?"

Le Duc Tho: I have not seen this cartoon.

Now you accuse us of delaying private meetings. It is not we who have delayed private meetings. It is you who have delayed them. We have not refused any proposals for a private meeting by you. But you have canceled a meeting.

Kissinger: Which one?

Le Duc Tho: The one of November 20. At that time I was really ill, not like your illness when you were in Pakistan. But you refused to meet Minister Xuan Thuy, and Xuan Thuy had plenipotentiary powers to settle matters. But you refused to meet. Then you proposed another meeting and we accepted. But then you bombed North Vietnam and interrupted the Paris Conference at Kleber Street. In any case we have not refused to hold any private meetings. This shows our serious intent.

Now regarding a solution to the Vietnam problem. You have proposed 8 points and we have answered; we have made two qualifying points and you have not answered. And you pretend we are using the domestic situation in the United States. That is not true. It is the people of the United States who are opposing the Nixon Administration because it prolongs the war to the detriment of their interests, and they are opposed to it.

In a word, your statement today criticizes us and shows that these statements are not correct and that you are not yet willing to engage in serious negotiations to settle the problem. In a war, offensives and counteroffensives are natural.

Kissinger: The Special Adviser considers it only natural when your side does it.

Le Duc Tho: It is the laws of war. So you have been bombing the DRV very fiercely in violation of your agreement to stop the bombing of North Vietnam. You have been using massive naval and air forces to bomb North Vietnam. It is natural that the Vietnamese people have to strike back.

I think that the best thing since you have come today is to let us find a solution, the best solution to the conflict.

Kissinger: I agree.

Le Duc Tho: And not to make incorrect statements. I think it is time now that you and we find a solution to the Vietnam conflict.

Kissinger: I agree.

Le Duc Tho: If you agree, we should start now. But if we start, and you raise your 8 points, then this won't do. I have heard Secretary Rogers say that you will show flexibility and that the 8 points are not an ultimatum. Now show us what flexibility you have, and I am prepared to discuss your new flexibility, the new position you will express. We know that time is not on your side. In our view you have raised many obstacles to settling the problem. I have told you that many times. But since your ambition has been so great, no settlement has been reached yet.

Our meetings at the end of 1969 and early 1970 presented an opportunity to settle the problem. There was especially an opportunity in June and July of 1971 during our private meetings with you when we agreed to the 7 points of the PRG and we put forward our 9 points. It was an opportunity to settle the war.

At that time there were many different problems, but the most difficult problem was the question of power in South Vietnam and the change of Nguyen Van Thieu. At that time there was an election in South Vietnam, and we thought that was the best opportunity for you to change Thieu. But you refused to do that. These facts showed you put too much hope in the Vietnamization policy. You launched invasions against Cambodia and Southern Laos, and you pinned your hopes on Vietnamization.

This policy cannot work. We want to reach a peaceful settlement to the problem beneficial to us and also to you. You claim we don't want to settle the problem and that we want to humiliate the United States. It is something very strange to our thinking. We have no such

thoughts. We want a settlement so that after a settlement is reached then relations between our two countries will be established on a good basis in all fields. You said once and repeated that we wanted to deprive President Nixon of reelection. This is not true.

Kissinger: That is our problem. We can handle it.

Le Duc Tho: That depends on the U.S. people. We don't want to create any difficulties for President Nixon on that subject. We want a peaceful settlement of the problem based on a logical and reasonable basis, on the basis of respect for our fundamental national rights. I think that is the only way to come to a peaceful settlement of the Vietnam problem in our interests and in your interests. These few words are added to what Minister Xuan Thuy said to answer your statement today.

Kissinger: Mr. Special Adviser, Mr. Minister, we are interested in a rapid and just settlement, but we face objective realities. We can't make new proposals until your offensive stops. And I must say that if your offensive continues, more and more drastic consequences will follow. The day we notified you we were prepared to return to plenary sessions, you attacked in the area of Kontum. The day plenaries started you attacked in the area of Quang Tri. As I sit here those operations continue. So I am awaiting your proposal on how to end this objective situation. I will, of course, respond to any proposal that you choose to make.

Xuan Thuy: I thought you would make new proposals and we were prepared to listen to you, because our two point clarifications have not been answered by you.

Kissinger: It may be a lack of imagination on my part, but I don't find anything new in those two points as compared to the 7 and 9 points. So we have already given you our answer.

Xuan Thuy: If you find nothing new in the two points, then I feel obliged to point them out to you.

Kissinger: I am always delighted to be instructed by Minister Xuan Thuy and Special Adviser Le Duc Tho.

Le Duc Tho: The war is going on. The most important thing is not to put conditions on stopping of offensives or continuing offensives. The important thing is to find a solution, to quickly put an end to the hostilities. I think this is the best way. If we can now find a solution, then the war can end immediately. This depends on you, not us.

Kissinger: Why doesn't the Minister read the paper in front of him? Then I will respond.

Xuan Thuy: I have noted down your statement here. Regarding the two clarifying points . . . if you want me to refer to it I can.

Kissinger: I have them here. I can understand the language. I don't see what's new in them. What do they add to the 7 and 9 points?

Xuan Thuy: Since you have the text in hand, it is quite clear. The first point deals with the withdrawal of U.S. forces and the cessation of the U.S. air war and all U.S. military activities in Vietnam. It says (reading) “the U.S. Government should stop its air war and all military activities in Vietnam, rapidly and completely withdraw from South Vietnam all U.S. troops . . .”

Kissinger: What’s new about that? I have read it. I know what it says. What do we have to answer? We went through the 7 and 9 points. Is there anything there that we did not discuss last summer?

Xuan Thuy: It says that . . . (continues to read from point 1 of the 2 point elaboration).

Kissinger: I have read it. There is no need to read it again. That’s not my question. This is what we discussed last summer. We gave an exhaustive answer last summer. What additional answer is needed?

Xuan Thuy: You don’t set a specific date for withdrawal of your forces. You put only a six-month period.

Kissinger: I know you are asking for the same thing we refused to do last summer. I’m asking whether you said anything new that requires an additional answer.

Xuan Thuy: But since you refused, we have to continue our demand. The more you refuse, the more we have to continue our demand.

The second point of the 2 point elaboration deals with the political problem in South Vietnam. (He reads point 2) “The U.S. Government should really respect the South Vietnamese peoples’ right to self-determination . . .”

Kissinger: I have read it. I know the words very well.

Xuan Thuy: You don’t respond.

Kissinger: We rejected it not because we don’t understand it but because we understand it only too well.

Xuan Thuy: Since you still refuse to answer, it shows you have not understood. So if you want us to present it again, I will.

Kissinger: You don’t have to present it again.

Is that all you have to say, then?

Xuan Thuy: We are here to listen to you and look forward to new points to be raised. Since you have no new points, there’s nothing to discuss.

Kissinger: In that case I regret that there is nothing more we can do. (He starts packing up.)

Le Duc Tho: Now we have come here to meet you to find a peaceful solution to the problem. You put forward 8 points. We put forward two points of elaboration and you have not answered.

Kissinger: We have answered the two points. First of all, I have to tell you again, the offensive must stop. When we discussed a private meeting in February there was no military offensive. Secondly, under these circumstances the first order of business must be an end to military operations.

Xuan Thuy: It appears to me that Mr. Special Adviser often forgets what the U.S. has done. At the end of 1971 the U.S. was bombing very fiercely the DRV and since the beginning of 1972 the bombing has been continually carried out against North Vietnam. And since the interruption by your side of the Kleber Street sessions on March 23 the bombardments have become increasingly vigorous in North and South Vietnam and all the other countries of Indochina, and in the meantime you have bombed Hanoi and Haiphong, using even B-52's to bomb Hanoi and Haiphong. And before the resumption of the Kleber Street sessions, you enlarged the bombing from the 17th parallel to all the provinces in the Red River Delta.

Why are you so silent on these attacks by the U.S. to compel the Vietnamese people to accept your position and make the Vietnamese people exercise the right of self-defense to oppose aggression? You want to deprive the Vietnamese people of the right of self-defense. Whenever aggression comes against people they have the right to oppose it. The South Vietnamese people have the right to oppose aggression. So do the people of Laos and Cambodia have the same right.

The principal question now that we should talk about is how to put an end to the aggression, and then the war will be ended. I have always been here. Mr. Le Duc Tho came here from Hanoi with the intent of serious negotiations to settle the war. But, since you say nothing different from what you have publicly stated, I wonder how we should proceed now?

Kissinger: I think we should defer this discussion until someone has something new to say or until your offensive stops.

Le Duc Tho: It is up to you, but the responsibility is entirely on your side. We have come here with the intention of negotiating seriously but you are not willing to do that.

Kissinger: I am willing to negotiate seriously.

Le Duc Tho: There should be some subject to discuss.

Kissinger: That's right, and we have made an 8 point proposal to which you replied by stating exactly what you said before. That does not require an additional answer.

But I have one concrete interim proposal. Let us restore the situation as it was on March 29th, the day before your offensive started. We will then withdraw our additional forces we have sent into the area and we will stop the bombing and we can then begin conversations in a calmer atmosphere.

Secondly, I want to point out to you that in our proposal of October 11, which was repeated by the President on January 25, we made a number of steps towards your position. You said our withdrawal timetable was too long, so we shortened it. You objected to the continuation of technical advisers, so we eliminated them. In September, you complained that our political proposals lacked concreteness, so we spelled them out in greater detail, and even if you don't like our particular formulation we have invited a counter proposal. You have never made a serious reply.

But I don't think there's much sense in continuing this exchange.

Xuan Thuy: I think that you are disregarding realities. You base your arguments on the position of your side only. Mr. Special Adviser Le Duc Tho said that in 1969 there were many favorable opportunities to settle the problem but you refused to do that. In 1970 you extended the war to Cambodia and all of Indochina. In 1971 you launched your offensive in South Laos. In 1972 you left the conference table and intensified the air and naval war. And you said nothing about extension of the war, and you said nothing about returning to the situation before you launched those attacks. The war was limited to South Vietnam, and you keep silent on this subject.

Kissinger: I have told you now that we will stop these operations when you return to the situation of March 29.

Xuan Thuy: So you make proposals that are only to your advantage. When you extend the war to Indochina, you say nothing about this, and when the people of South Vietnam counter-attack, you want to stop the offensive, and want to tie their hands.

Kissinger: Mr. Special Adviser and Mr. Minister, much as I enjoy this conversation about the history of the war, I don't see that you are ready to talk seriously about bringing about a rapid solution to the war. Since that is not the case, much as I regret coming a long distance for a very brief meeting, I propose that we adjourn the meeting and meet again when either side has something new to say.

Le Duc Tho: It is up to you. If you decide that, then we agree.

Kissinger: Alright.

Xuan Thuy: Now let us return to the first question you raised at the beginning on publicity concerning our meeting. There are three possibilities. First, not to say anything about the private meeting since there was no result at all. Second, we could agree mutually to say something. Third, it could be up to each side to say whatever it likes.

In my view, we should not say anything because at this meeting you have not brought anything new and you propose cessation of the meetings. And therefore you are responsible for that, but we do not want to stress your responsibility for that. Therefore, my view is that we should not say anything about this meeting.

Kissinger: I want to make it perfectly clear that we notified you in February that we were prepared to discuss our 8 points and include discussion of your points. You have refused to discuss our 8 points at all. Since you are prepared to discuss only your points, points which we already explored last summer, there is no basis for discussion. We have invited you to make counter-proposals to our suggestions. But they have not been made. We have asked you whether there was anything new in your proposals and you simply read me your proposal. We told your Soviet allies last week what we wanted to discuss and they said they would transmit them to you. I find it difficult to understand why you meet with us at all since you knew what we wanted to discuss.

I want to make it absolutely clear, so that there is no misunderstanding, we are prepared to discuss any political process which genuinely leaves the political future of South Vietnam open. We are not prepared to discuss proposals which have the practical consequence of simply installing your version of a government in Saigon. We told you this last summer. We tell you this again. Now maybe our knowledge of South Vietnamese conditions is not adequate enough to come up with exactly the right formula, and therefore we invited your counterproposals.

Xuan Thuy: Before Mr. Le Duc Tho says something, I would like to point out that you said you put forward your 8 points and we did not respond. I said also I have made two points of clarification and you said I only read them again.

In connection with your 8 points, with regard to troop withdrawals, your proposal is not specific enough. With regard to your political proposals, your policy is always to maintain the Nguyen Van Thieu Administration. You maintain that this administration is a legal government that has the confidence of the people. In our view this administration is illegal and hated by the whole Vietnamese people and public opinion. Therefore in our 2 clarifying points we propose that Nguyen Van Thieu resign immediately and that the Saigon Administration without Nguyen Van Thieu should change its policies. So you have not answered our counter proposal, and we have answered you. In these two crucial clarified points there are new elements.

Kissinger: And this is what I have asked the Minister an hour ago, to tell me what the new elements are.

Xuan Thuy: So I have proposed that Nguyen Van Thieu should resign immediately.

Kissinger: What's new?

Xuan Thuy: And the Saigon Administration without Nguyen Van Thieu should change its policies. Do you agree to this?

Kissinger: I am trying to understand. What do you consider new in this? What is new in that proposal from the one made last July? I am trying to understand.

Xuan Thuy: I will let Mr. Le Duc Tho speak. I have made it clear. Since you refer to our ally, so we will give you the word.

Kissinger: I only made clear what we would discuss with you and they said that they would transmit the message to you.

Le Duc Tho: In our negotiations many times I have pointed out to you that we deal directly with you and vice versa. I have also repeatedly pointed out to you that we don't deal through any intermediary, neither now nor in the previous four years. I told you that. Therefore, anything you wish to deal with us, now please speak directly to us. We are prepared to listen to you. We are prepared to settle with you. If now we can listen directly from you it is clearer. We are prepared to discuss your proposal and it is more simple than dealing through a third person. You can directly bring it here to me. Since we are your interlocutors, you should bring things here directly to us.

Among the 8 points, your 8 points, we paid attention to two crucial points, the military question and the political question. Regarding the military question, our demand is for total withdrawal of U.S. forces and allied forces including military advisers, war materials, etc. And we also requested a specific terminal date and not a long period, but a prompt withdrawal. You proposed a period of withdrawal of six months after the date of signing an agreement. We don't know when an agreement will be reached, so the troop withdrawal will be prolonged.

Regarding political problems, previously we demanded a change of the Nguyen Van Thieu Administration and the formation of a new Saigon Administration favoring peace, neutrality, independence and democracy, and this new Saigon Administration will engage in conversations with the PRG to settle the problem. But now we demand only the resignation of Nguyen Van Thieu, the immediate resignation, and then the Saigon Administration without Nguyen Van Thieu should change its policy, that is, stop terrorist measures, the oppression of the people, that is a return to Article 14c of the Geneva Agreements.

So there is some difference in these two points.

And what you propose now, anything you want to propose, please propose it directly to me, because we are the interlocutors. We never go through an intermediary. So if there is any idea, proposal, make it now. We are prepared to discuss it with you.

Kissinger: We have told you our position, and our position is this. First, we have indicated that we are prepared to separate the military from political problems and to discuss separately with you the issue of the withdrawal of our forces. In that case, since it would be the only

issue for discussion it could happen quite rapidly. This, of course, you have refused and I assume you continue to refuse, or have I misunderstood you?

Le Duc Tho: No, you have quite well understood me on that score. You have agreed with us on this point. Now you want to reverse it?

Kissinger: In other words, I want to be sure you insist political and military questions must be linked.

Le Duc Tho: Yes.

Kissinger: This is your position.

Le Duc Tho: Yes, you agreed to settle all the questions.

Kissinger: Since you insist that military issues cannot be separated from political issues, even though, as you know, I offered at every session to separate the military from the political to show our good will and make progress, we agreed to link the military and political. And therefore you are correct; we have agreed to discuss political and military issues together since you refused to do anything else. That is a correct summary of the situation, is it not? (Le Duc Tho nods agreement.)

Correct. Alright.

Now then, to turn to the political issues, we have made specific proposals. First, let me speak about our military proposal in relation to our political proposal, and then I'll speak about our political proposal.

We proposed that we have an agreement in principle, first, on the whole 8 point program, military and political. We were then prepared to begin the withdrawal of our forces as soon as an agreement in principle was achieved, even before the details of the political agreement were completely worked out, in our proposal we transmitted to you in October. We did this in order to meet your concern that withdrawal would be indefinitely delayed.

Now, with respect to the political situation. Our objective is not to maintain any particular administration. Our objective is to find a political process in which all realistic forces which exist have an opportunity to express themselves and a reasonable opportunity to gain power. We have given you our way of bringing this about, and we have invited your counter proposals.

Now I want to clarify one point you have made. Are you saying that if President Thieu resigns, the rest of the Administration can stay in office?

Xuan Thuy: So far as I understand the two-point elaboration of the Provisional Revolutionary Government, the political problem will be dealt with in the following way. First, Nguyen Van Thieu must resign immediately—immediately, not like in your 8 points, only a few months before election, but immediately.

Secondly, the people who remain in the Saigon Administration should change the policy of the Administration, that is to say cancel their machinery of coercion and repression, disband concentration camps, release political prisoners and ensure democratic liberties. The reason why the PRG has made this proposal is because in your 8 point proposal Nguyen Van Thieu will resign only one month before the elections and, when the election occurs, all the machinery of coercion and repression will still be there. These will not be possible conditions for democratic and free elections. The Election Commission you propose will not be able to ensure the democratic liberties necessary for the election. I think that the way proposed by the PRG can ensure the genuine democratic character of the election. You often claim that the PRG wants to overthrow the Saigon Administration and establish a communist government there. That is not true. I think that a three segment government is something reasonable, logical. And South Vietnam will be independent, neutral, and democratic. It is something reasonable, too, and we support this.

Kissinger: Let me understand precisely what you are saying. You are saying that all the members of the existing administration except Thieu can continue under this proposal?

Xuan Thuy: But they should change their policy. The main thing is that they should change their policy. Because if the policy does not change then how can the PRG talk to them? But how to change the policy I have described to you.

Mr. Le Duc Tho has something to say.

Le Duc Tho: Here we propose that Nguyen Van Thieu resign immediately. It means that all the other members remain in the Administration. But the change of an individual is not important. What is important is the change of policy.

I remember that once you asked me whether it were possible to change policy only and not change individuals. So now our proposal is that without Thieu, anyone can do. But the thing is to change policy.

Kissinger: What do you mean concretely by that?

Le Duc Tho: That means the machinery of oppression, repression and terrorist measures should be canceled and there should be genuine democracy in South Vietnam. It should not use fascist measures to oppose the people.

Kissinger: What does this mean concretely?

Le Duc Tho: This can be done not only by public official statements but also by acts.

Kissinger: Like what?

Le Duc Tho: To implement the statements already made, and if this can be done, then it will create a favorable political atmosphere

for South Vietnam and help create a government of national concord. Otherwise, no government of national concord can be formed and no elections will be possible.

If you want now to withdraw from South Vietnam and create a peaceful, independent and democratic South Vietnam, there must be a political and democratic atmosphere in South Vietnam. Otherwise no national concord is possible. And I think this way of solving the problem is not only in the interest of the South Vietnamese people but also in the interest of the U.S. If a government can be formed of peace and neutrality this is also in the interest of the U.S. The political situation now in South Vietnam calls for such a solution, such a settlement, in the interests of both the people of the United States and Vietnam. Then a peaceful solution can be reached. And as for our stand, we have repeatedly told you such is our stand, and you still claim we want to put a yoke, establish a communist regime in South Vietnam. It is not true. Such a government would include three sectors of the population. This is taking into account the realities of the political situation in South Vietnam, and if you don't agree to it, it will be difficult to settle the problem. This is the political process you mentioned in South Vietnam.

Xuan Thuy: I will add some concrete acts to be taken in South Vietnam, in the framework of a Saigon Administration without Thieu and with a changed policy. For example, Thieu has set up in many parts of the country many concentration camps, so the concentration camps should be dismantled now. He has arrested so many prisoners; these should be released now. Everyday too many papers are confiscated. So these should be free.

Kissinger: It is different from North Vietnam as far as publishing is concerned. Can anybody publish a paper in North Vietnam? I ask just for my own education.

Xuan Thuy: The Democratic Republic of Vietnam has a completely different system and we do not impose this system on South Vietnam. If now they require us to apply a system like South Vietnam, we refuse that.

Le Duc Tho: In our view the social democratic system is, however, the most democratic form of government.

Xuan Thuy: What we want to do is to take into account the real situation in South Vietnam.

Kissinger: One other piece of information, since I may not have the pleasure of seeing you again soon. When in your judgment should Thieu resign? When an agreement is signed? Prior to an agreement? When precisely should he resign?

Xuan Thuy: The sooner the better. If Thieu resigned tomorrow, it would be better, so a rapid settlement can be reached.

Le Duc Tho: But what is the reason for you to maintain Thieu in power for a few months more? That will do harm to you.

Kissinger: I think I understand your position, Mr. Special Adviser and Mr. Minister, and I think we should leave it that if either side has anything new to say we will meet again.

With regard to this meeting and what we say publicly about this private meeting, whether we should speak about it publicly. One difficulty is that my movements are so carefully watched now by the press it is quite possible that I have been missed in Washington today. I don't know—I haven't been in contact.

I think we should leave it that either side should be free to say that the private meeting took place, without revealing the subject. Neither side should make a formal announcement or seek an opportunity to make a formal announcement. Our difficulty is that if we are asked whether I met with Special Adviser Le Duc Tho what I should say.

Le Duc Tho: Then you should say "no comment."

Kissinger: I can't say "no comment." I would have to say we don't comment on private meetings. From "no comment" the conclusion will be drawn that there was a private meeting.

Le Duc Tho: Since you raised the question of private meetings, I would like to add this. In our view public and private meetings are necessary forums for negotiations. You requested us and we agreed not to make public the content of our private meeting. Although this is a minor question, since you made public our private meetings, you have acted at variance with your engagement, and from this minor question to major questions, I think in most cases you have violated your word. Now you have agreed with us that private meetings should be kept secret, the substance should not be made public—we agree with that. Therefore in our view we think that the fact of a private meeting and the substance of the private meeting should not be made public. Now if you pledge this, you should keep your promise. You once referred to mutual trust. You have damaged that trust we have from minor things. We should create an atmosphere of mutual trust; that would make an easier settlement.

Kissinger: I don't think the Special Adviser suffers from excessive trust in people, especially Americans.

Le Duc Tho: It is definite that we cannot have confidence in you because you have violated our trust so many times. But in negotiations, to reach a settlement, at least we should have some mutual understanding, at least there must be minimal trust in each other. If, in everything we say, we mistrust each other, our experience is that the violation has always come from your side.

Now you agree not to publish the fact or the substance of this private meeting. We agree to that. But if now you tell newspapers you make no comment on private negotiations, they can speculate what they think.

Kissinger: We have a real problem. I have no difficulty promising we won't reveal the substance of the meeting. That is a promise we can make and shall keep it.

Le Duc Tho: You will promise it and keep it once again (referring to the revelation of private meetings by the U.S. on January 25).

Kissinger: I have listened patiently to many of your accusations because of the high respect I have for you Mr. Special Adviser, but if we are speaking of mutual trust, we endured seven months of being accused by you of not responding to the seven points when you knew very well we had responded to these points. We had made a proposal to which you never had even the courtesy to reply. We had asked for a meeting which you in effect cancelled three days before the meeting. And then even if you were ill, we said we were prepared to meet any other time, and even then you did not even give us the courtesy of a reply.

Le Duc Tho: I always reply to all your proposals, although sometimes with a bit of delay.

Kissinger: There was no reply to our message in November when we said we were prepared to meet anytime, or anytime when your health permitted. We did not hear until February 15, which is over two months, which is three months; so therefore, let us not talk about accusations of bad faith. I have been confronted at meetings here with the Special Adviser three days after he met with newsmen or Senators, misleading them about a possible separate military solution.

I am prepared to practice mutual trust. I have attempted since 1967 to bring about an end to this war on a just basis. But if the Special Adviser starts a propaganda campaign again, then inevitably we will have to defend ourselves. But we will not reveal the substance of the talks—I have given this assurance.

As to the fact of a meeting, if my absence from Washington is noted today, we will be in a very difficult position.

Le Duc Tho: You can say that you were on a long weekend or taking a picnic.

Kissinger: Of course, we can say no comment in answer to a question. I promise you we will make no formal announcement and do our best—our answer will be no comment on private meetings but that part of it will be more difficult to maintain. The substance is in our control, and about that we will not speak. Is that agreeable to you? If asked, whether Dr. Kissinger met with Le Duc Tho, our answer will be that we do not comment on private meetings.

Le Duc Tho: The main thing is that both of us when asked about private meetings, say nothing about private meetings.

Kissinger: There is a danger of the press following close now. If there are photographers at every airport . . . I don't consider this meeting as one I particularly choose to remember so I have no interest in having this one publicized.

Le Duc Tho: The press may follow you very closely, but they don't necessarily know where you have gone. If asked you can say "no comment."

Kissinger: My answer will be we don't comment on private meetings, but do not get surprised if the speculation gets excessive. For example, newsmen assigned to the White House have a solution now. They call my office three to four times a day to see if I am there.

When the Special Adviser arrived here, he was not exactly retiring in his comments. Because even though he may not like it, his name is associated with me.

Le Duc Tho: I have made comments, but I did not refer to private meetings at all.

Kissinger: But the Special Adviser has a great ability to suggest things without saying them.

Le Duc Tho: You can see newsmen and tell them "no comment" and let them speculate anything they wish.

Kissinger: I want to have no doubt—if the Special Adviser becomes a TV star again and if he appears in the columns of his favorite newspaper, as he has a tendency to do, making accusations, we will respond.

Xuan Thuy: What is certain is that first we should insist on your undertaking of 1968 to stop the bombing of North Vietnam.

Kissinger: Let's not get into that. Oh, you mean in public. I see.

Xuan Thuy: We insist on it here, too. The second point is we should insist on the cessation of Vietnamization.

Kissinger: You are not the most retiring interlocutor we have encountered.

Le Duc Tho: Any statement I make is to repeat our demands. I don't refer to the substance of private meetings. I keep my promise on that score.

Kissinger: You only say things you know are not true once you know about private meetings. That's worse. All last summer—you know well—there was a whole succession of journalists and Senators who came to see you. They came away with the impression that you were prepared to discuss a military solution only. It is true that you never said so explicitly, but with great skill you left that impression. You have to remember that most Americans are not as intelligent as

Vietnamese. So you take advantage of our intellectual underdevelopment. After we heard that for 6 months, we made clear our side of the story.

Let me sum up where we go from here. We are prepared to reopen these talks either on the military issues alone, that is the complex of issues on withdrawal and prisoners of war. But my impression is that at this moment you are not prepared to discuss this. I want to make sure I learned my lessons properly.

Le Duc Tho: So you have correctly learned this lesson because I never separated these two questions. And when I talked to newspapermen I did not tell them this. The newspapers were just speculating.

Kissinger: But you didn't do much to discourage them.

Le Duc Tho: They speculate too much.

Xuan Thuy: There is a lot of speculation about you, too.

Kissinger: Oh, about me. Secondly, we are prepared to resume these talks about a realistic political program in South Vietnam in which certain modifications of our eight points are possible provided there is a genuine desire on both sides to leave the political future to the South Vietnamese people to decide.

If you are prepared to discuss either of these two points, I will, of course, be prepared to have discussions with you leading to a rapid conclusion of the war.

Le Duc Tho: I have told you many times, and today I reiterate once again, that Minister Xuan Thuy and I come here with serious intent and good will to end the Vietnam war with a peaceful settlement. But this cannot be done unilaterally. I told you many times. There should be an effort from our side and your side, and the sooner the better to end the war. I am looking forward to meeting you again to settle the problem, and your proposals, if made, we are prepared to discuss them, to find out a really logical and reasonable solution which is in our interest and yours. And from now on if you have anything to tell us, please tell it to us directly.

I would like to furnish you some documents for your information. (He hands them over.)

Kissinger: Is Mr. Special Adviser staying in Paris for some time or is this a brief visit?

Le Duc Tho: If you want to meet me and Minister Xuan Thuy again, then I will remain here, but if you find no settlement possible, then I will reconsider my program and return to my country.

Kissinger: I think we should review the situation. Under present circumstances I cannot agree to another meeting.

(The meeting then adjourned.)

(There was small talk for a few minutes. Dr. Kissinger stated that there could have been a settlement if the North Vietnamese would only be willing to leave something to history. The North Vietnamese said that the U.S. had missed good chances for a settlement, i.e. during the South Vietnamese Presidential election. As Dr. Kissinger got up to leave, Le Duc Tho declared that his side's prospects were "good".)

Serious Negotiations and the October Settlement, July 1972–October 1972

15. Memorandum of Conversation¹

Paris, July 19, 1972, 9:52 a.m.–4:25 p.m.

PARTICIPANTS

Le Duc Tho, Special Adviser to the North Vietnamese Delegation at the Paris Peace Talks

Xuan Thuy, Minister and Head of North Vietnamese Delegation to the Paris Peace Talks

Phan Hien, Member of North Vietnamese Delegation to Paris Peace Talks

Nguyen Dinh Phuong, Interpreter

Two Note takers

Henry A. Kissinger, Assistant to the President for National Security Affairs

Winston Lord, NSC Staff Member

John D. Negroponte, NSC Staff Member

Peter W. Rodman, NSC Staff Member

Kissinger: It is a pleasure to see my two colleagues again. The Special Adviser is the one man I know who has a better gift for publicity than I. I read the speech he made on arrival at the airport. It was fine. But I read it.

I have one special problem I would like to raise. As you saw from the newspaper, my absence from Washington has been noticed. They

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 864, For the President's Files (Winston Lord)—Vietnam Negotiations, Camp David Memcons, May–October 1972 [5 of 5]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at the North Vietnamese Residence at 11 Rue Darthé, Choisy-le-Roi. All brackets are in the original. The tabs are attached but not printed.

By late June, the North Vietnamese offensive appeared stalled. A Politburo report, while trumpeting "strategic successes," noted that "the relation of forces between the revolutionary [North Vietnamese] forces and the enemy [South Vietnamese forces] in SVN [South Vietnam] is balanced. We have not yet secured predominance over the enemy." (Quoted in Luu and Nguyen, *Le Duc Tho-Kissinger Negotiations in Paris*, pp. 278–279) After reviewing the situation, the Politburo directed the resumption of negotiations and a move to a "peace strategy," offering concessions necessary to gain U.S. withdrawal from the war, while protecting its primary interests. As Le Duc Tho later characterized the decision, "Once we sat at the negotiating table, the question was not to obtain what each side had not been able to obtain on the battlefield. Neither side could obtain everything it wanted, there should be mutual concessions, but what concession was possible, and what was not must be clear." (*Ibid.*, p. 242)

On July 17, the Politburo sent guidance to the North Vietnamese delegation, directing a conservative approach to the negotiations: "The basic goal of our diplomatic struggle at this time is to support the achievements of the strategic military missions that we have discussed with you. Only in that way will we be able to shatter the American

(Footnote continues on next page)

[journalists] are going to spend the whole day in Washington—which will begin in about four hours—checking up on me. And therefore I would like to propose that our spokesman be authorized to say that I am meeting with you—but nothing about the substance. I promise we will say nothing about substance, regardless of what happens at the meeting.

Let me read you what we would propose to say at 10:00 a.m. Washington time. What we would say is, “Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs, is meeting in Paris today with Special Adviser Le Duc Tho and Minister Xuan Thuy of the North Vietnamese Delegation to the Paris peace talks. Dr. Kissinger is expected to return to Washington this evening.” Of course you are free to say the same thing from your delegation. I would give you our assurance that we would say nothing else, that we would not describe the content of the meeting or make any other comment. Otherwise, they will say it anyway, and the speculation will be excessive.

[Le Duc Tho and Xuan Thuy laugh.]

What do you think, Mr. Minister, Mr. Special Adviser?

Xuan Thuy: On several occasions I have told Dr. Kissinger that our meeting here will be kept secret if you wish it so. But if you want to make it public, we are prepared. Because even if we disagree, you will make it so! [laughter]

‘Vietnamization’ program. With this in mind, the immediate future is not yet the right time for a settlement. Timing is the important thing—acting too soon or too late would both be harmful to our cause.” (*Major Events: The Diplomatic Struggle and International Activities during the Resistance War Against the Americans to Save the Nation, 1954–1975*, volume 4, p. 294)

Kissinger later wrote in his memoirs: “Our basic strategy in the private meetings starting July 19 would be to make no new proposals until Hanoi’s intentions became clearer.” (Kissinger, *White House Years*, p. 1309)

He reported to the President on the meeting in a July 20 memorandum. Regarding Le Duc Tho’s and Xuan Thuy’s behavior at the meeting, he told Nixon that “their non-polemical approach and ambiguous positions in this initial meeting are compatible with serious negotiations. They gave themselves the option to move in the direction of our January 25 proposal. The channel is reopened to explore this possibility, which should be enhanced by the military and diplomatic realities facing Hanoi.” Furthermore, he continued, “we lose nothing and give up no options by playing this string out. The minimum we achieve is building a reasonable negotiating record. The maximum we could gain is either a fair settlement or a temporary ceasefire; while these goals are still distant, we are in a good position to explore the chances.” (*Foreign Relations, 1969–1976*, vol. VIII, Vietnam, January–October 1972, Document 211)

Le Duc Tho summarized and assessed the session in a report to the Politburo on July 23: “The American attitude indicated that they want to reach a settlement, but for now they are just trying to feel us out to see what cards we have to play and they have not yet put forward anything new. We also want to reach a settlement, but we too did not put any of our cards on the table.” (Message from Le Duc Tho to the Politburo, 23 July 1972, in Doan Duc, et al., compilers, *Major Events: The Diplomatic Struggle and International Activities during the Resistance War Against the Americans to Save the Nation, 1954–1975*, volume 4, p. 329)

Kissinger: Last time you released it before we did! [laughter]

Let us understand this clearly. We will release this at 10:00 a.m. Washington time, which is 3:00 p.m. here. You are free to confirm this—or you can use the same text if you want to. We will say nothing else. We will not characterize the meetings. We will say nothing else.

Xuan Thuy: But if we are asked by journalists, what should we say?

Kissinger: That we are both agreed to say nothing about the content.

Le Duc Tho: I feel that the content of our negotiations here should not be made public, now or later, because the content of our negotiations is important not only for the present time but for a long period.

Kissinger: I agree with the Special Adviser. This will be done.

Le Duc Tho: Because all negotiations, not only our negotiations, should never be divulged.

Kissinger: The difference between our talks and Avenue Kléber is that we will say nothing whatever about substance. But I think what we should do in the future is to announce the fact of the meeting on the day it takes place, just to stop speculation. Just the fact of the meeting. Assuming there are other meetings.

I have Colonel Guay waiting outside. I want to give him the text to send to Washington. It will take five minutes.

My apologies to your interpreter, who has to carry a double load.

Xuan Thuy: Colonel Guay has to carry many responsibilities. So you have made good use of a good personality.

It said today in the paper that you brought your family to New York today.

Kissinger: I brought my family—my children—to San Clemente and then to Boston today. I will be missed in Washington today.

Actually my children will be in Paris 10 days from now. I thought we would put out an announcement, “Kissinger is in Paris.” He is 11 years old, my son.

I have just heard from Joseph Kraft, who was in Hanoi.

Le Duc Tho: [smiles] Ah!

Kissinger: I have not read what you said to him.

Le Duc Tho: Have you spoken with him?

Kissinger: No. He is in Paris now. He spoke to a member of our Embassy in Vientiane and gave some quick impressions.

Somebody in Hanoi called him a reactionary, which made him extremely unhappy.

Le Duc Tho: No one called him a reactionary!

Kissinger: No, not you.

Le Duc Tho: When I met him, he conveyed a message from you.

Kissinger: What was it?

Le Duc Tho: You asked him to convey it; you must know it!

Kissinger: I want to hear what he conveyed.

Le Duc Tho: Did you ask him to convey it?

Kissinger: I asked him to convey, first, my high personal regards, and second, that we were prepared to talk seriously. But frankly I wouldn't give him anything important of substance. I said to him this was the moment for serious negotiations.

[Colonel Guay enters. Dr. Kissinger gives him the language of the announcement, tells him to call General Haig and to tell Haig that this language was approved by the North Vietnamese delegation for release at 10:00 a.m. Haig is also to tell all agencies to make no comment at all. Colonel Guay then leaves.]

Xuan Thuy: We should repeat that we are very pleased to meet Dr. Kissinger and we are prepared to listen to your new views.

Kissinger: [Pointing to a thick black briefing book in front of him]: These are old views!

Before we proceed may I ask you another question? We have been harassed by a Mr. Taub who is a lawyer for Mr. Hoffa. He has been in contact with the Special Adviser and claims he has an offer for Hoffa to go to Hanoi and that some prisoners will be released. He [Hoffa] is a convict, he has just been in a penitentiary and is on probation. Therefore he is still under sentence. I cannot believe you would have us release a convict in order to release prisoners to him. He says he has documents you gave him.

Xuan Thuy: Spell the name.

Kissinger: T-a-u-b. And H-o-f-f-a. Taub claims to have met the Special Adviser in Sofia.

Le Duc Tho: When I was in Sofia, there was an American, probably Mr. Taub, who requested to meet me in Sofia. But I did not meet him. So now at present Mr. Taub is requesting an interview with me. But I will not meet him.

Kissinger: It is entirely up to you. I want you to know what he is doing in America. He is claiming that you have invited Mr. Hoffa to come to Hanoi so you can release prisoners to him. He is also claiming that for this reason the President should give a pardon to Mr. Hoffa—because at this moment Mr. Hoffa is on parole and is not permitted to leave Detroit. Taub is the lawyer for Hoffa. He now says if we don't give the pardon he will make a public attack on us.

From our point of view it is an advantage for you to deal with Hoffa, because there is no one in America who has any respect for him. And you are free to do what you want. If you want to release

some prisoners to Hoffa, that is your privilege. But frankly I wanted to hear it from you rather than from him, just to hear what your intentions are. Taub is really a very shady character. I am not saying this as a criticism of you; I just want to learn the facts.

Le Duc Tho: In sum, when I was in Sofia, Taub requested to meet me and I refused. Now he is requesting to meet me, and I will refuse. As for Mr. Hoffa, he requested a visit to Hanoi. So far I have not met Mr. Hoffa, and I have not yet decided to let him go to Hanoi. His trip to Hanoi will be decided by the responsible services in my country. But I believe there is no transfer of prisoners to Mr. Hoffa. Because he may make visit like other Americans, but I believe there will be no transfer of prisoners.

Kissinger: The problem is that he is under sentence and may not leave Detroit, much less America, except under special permission. We would have to pardon him for him to go to Hanoi. He is not a political activist. It is not political. He is in prison for allegedly stealing money. We would let him go to Hanoi only if you said you would release prisoners to him. And then it would be an interesting question why you would release prisoners to someone who is under sentence in the United States.

Le Duc Tho: [laughs] We don't know the curriculum vitae of Mr. Hoffa. We know only that he is a trade unionist.

Kissinger: Formerly.

Le Duc Tho: And previously a number of trade union leaders have visited Hanoi. This will be decided by our friends in Hanoi.

Kissinger: Whether you invite him is entirely your business. We don't want to interfere. The prisoners were the only concern of ours. You have had a friend of mine, Mr. Gibbons—I believe the Special Adviser met him—he is a good friend of mine.

Le Duc Tho: I met him.

Kissinger: He may want to go to Hanoi—but that is up to you.

We were only concerned about prisoners. I understand the prisoner issue. He [Hoffa] was put in prison by Robert Kennedy, not by us. As long as Mr. Hoffa doesn't concern prisoners, Mr. Hoffa doesn't concern me.

Le Duc Tho: Quite right, there are Americans who want to visit our country, like Joseph Kraft and many others.

Kissinger: Shall we begin?

Le Duc Tho: Yes.

Kissinger: Mr. Special Adviser and Mr. Minister, you put a question in what has become your special way, which is that we must have something new to say.

[Tho and Thuy laugh.]

Le Duc Tho: Naturally there must be something new to say. If we only repeat old proposals, there will be no settlement.

Kissinger: The Special Adviser has already given me a preview in his statement at the airport.

I believe part of our difficulty is what is reflected in this. I believe we both must be prepared to say new things and use a new approach. Because I have come here to make one last effort in this Administration, I thought a way to proceed was for me to tell you candidly what I believe our problems have been in our previous thirteen meetings and then to propose a procedure for proceeding, to give both of us an opportunity to see whether we can take account of the other side's point of view. I do want to say I am here because we do want to make a serious effort to make a solution and we believe that with goodwill and a new approach on both sides, there is a possibility of such a solution.

I know the Minister and Special Adviser get impatient with me when I become too philosophical. [They laugh.] But I would like to make a few general observations first, partly for my colleagues here and partly for my colleagues in Hanoi who will undoubtedly study this record.

I want to explain why we have—you in particular—have not made full opportunity of this particular channel. We have settled major problems with other countries, with some of which we have had no contact for two decades, by using this particular channel—for two particular reasons: When I negotiate on behalf of the President, I have authority to make big decisions, and then to carry the bureaucracy with me. I can go to the essence of a problem and then let the technical people work out the details. We have settled with other countries—with some of which we have had hostility for many decades and which are of more concern to us than Vietnam could possibly be, because they were willing to settle the big things and leave the details for the future. Once we have done that, we were meticulous and precise in carrying out every commitment and every understanding. And you can talk to those countries yourself if you want their impression.

I don't want to be misunderstood. I am not saying we have discussed Vietnam with other countries; I am saying that the bilateral problems we have had with other countries have been settled on that basis. As for Vietnam, one thing we have reached agreement on is that the problem of Vietnam will be settled in Paris and not in the capital of any other country.

Let me give you an example of what I mean by how to settle issues on the basis of what can be done now and what must be done in the

future. And I will speak with great frankness, because that is the only thing that will distinguish this channel from Avenue Kléber.

When I made my first trip to Peking, this was a very serious matter for us and we were very serious about improving our relations with the People's Republic of China. We had worked on it for many years. But if at that first meeting the Chinese side had said to us, "We have seven demands—they read as follows: You must . . . you must . . . you must . . ." And if when I said anything else they had said "You are not very specific." Or if they had said "The first thing you must do is replace President Chiang Kai-shek with a government that stands for peace, independence and neutrality, and after that we will talk to you"—we would have made no progress. I am not trying to win an argument with you, because either we will settle or we will not settle. But I really believe you have not understood us. I really want to make sure that if our discussions fail, it will not be because you didn't understand us. I am saying we could make progress because we could decide what we could do then and what we could do later, and because we made a minimum of confidence in each other.

Now I want to tell you, Mr. Minister and Mr. Special Adviser, that we are at least as serious about wanting to end the war with you on a just basis as we have been in the policies which I have described to you. And the reason we have failed—in my judgment—is that you have dealt with these negotiations as if we were lawyers drafting a document and you were looking for escape clauses by which we would trick our way back into Vietnam after we had left. In my view, you have used the plenary sessions not to negotiate but to mobilize public pressures. And you have used the private meetings again not to negotiate but to find if we were prepared to yield secretly to demands we had failed to yield to publicly.

In this—if you forgive me—obsession with avoiding what happened in the past, you have misunderstood our real objectives. It is true, we have attempted to separate the military outcome from the political outcome, but not for the reasons you believe. We are not looking for an opportunity to reenter Vietnam. We are not seeking to perpetuate a political conflict in Vietnam. We are seeking to separate our direct involvement from the political outcome, so that what happens later is the result of Vietnamese conditions, not of American action. And we want to do that for very general reasons, not because we want to back into Vietnam. I must tell you I have never understood—not to win an argument—why if you have confidence in yourselves you cannot at least explore this approach.

Let us take for example the situation last year in 1971. If you had accepted our proposal of May 31, we would be out of Vietnam by now. The election in Vietnam last year would have taken place with all

Vietnamese knowing we were withdrawing. And therefore the possibility of the government to take unilateral action would have been circumscribed. And I believe your position today even in the political field would have been even stronger than it is.

Or,—I am not trying to score points, but I am talking seriously, this is why I am not making specific proposals in this first part—take the situation in July 1971. Let me explain to you what I was trying to do, although I did not say that in so many words. We understood what you were proposing very well. But if I may say so, you were too formal and too legalistic. We believed that if we could have agreed in July 1971 on an agreed withdrawal of American forces and a statement of principles about the political evolution, the events that then happened in August with respect to the election would have been impossible, and there might have been a good chance for a free and democratic election in October.

Finally, when I came here on May 2 [1972] to discuss with you, we were prepared to accept a ceasefire, and at that time your military position was better than it is today, and therefore your political possibilities would have been better.

The Special Adviser has explained to me very often that you have political objectives. We understand this. And we do not oppose political objectives that reflect your real strength. But we do not want to accomplish them for you, but we will not shrink from consequences that flow naturally from the decisions we make. If we could have agreed last year on the disengagement of American forces and the return of prisoners, and if you had shown some patience, many of the events of this year would not have occurred.

Let me tell you once again what our principles are with respect to a settlement in Vietnam:

In a period when we are reducing our presence elsewhere in Asia, we can have no incentive to maintain American troops or American bases or American predominance in one little corner of Asia called Vietnam.

Secondly, when we can live with governments that are not pro-American in the largest Asian nations, why should we insist on a government that is pro-American in Saigon?

Third, if we can coexist with Moscow and Peking, we can coexist with Hanoi. Our two countries do not pose a long-term threat to one another. Indeed, strange as it may seem, once this war is over, we have every interest in your independence, autonomy and well-being.

Fourth, your nation will continue to be a permanent factor in Indochina when we will have withdrawn 12000 miles. We thus genuinely want to negotiate a solution that respects your independence and meets your reasonable concerns.

Fifth, we *are* interested in Southeast Asia in the independence and neutrality of the region and not in any bases or alliances with us.

Sixth, we are not wed to any particular personalities or any particular orientation in South Vietnam. We are willing to let events in South Vietnam take their natural evolution, without our presence and without our predominant influence. We are not looking for an excuse to return.

These are our basic principles. But there are also some immediate necessities to recognize for both sides. One, neither side should seek to impose a military solution on the other. The political outcome must be left to the people of Vietnam. The withdrawal of American forces from Southeast Asia is not only a military fact but a political fact, that will have a profound political influence. Any attempt to use these negotiations to affect the American elections will end these negotiations until after the elections. In fact, we now find the following irony. [The interpreter asks Dr. Kissinger to repeat the previous point.] Any attempt to use these negotiations to influence the American elections means that we will end these negotiations until after the elections. In other words, we will not be affected by the elections. The history of the negotiations has produced the following irony: The practical effect of our proposals has been to withdraw from Vietnam; the practical effect of your proposal has been to keep us in Vietnam so we could accomplish the political objective you want us to do for you.

So this is where we are. We do not believe there can be a military solution. We do not believe there can be any change in the overall political circumstances.

You can of course gamble on our elections. You will have seen in the *Herald Tribune* today the latest polls indicating the prospects [Reuters account of *Newsweek* survey, Tab A.] And you know, of course, that President Nixon's term ends on January 20 and not on November 7. And you will have to decide whether you really want to turn this election into a referendum on Vietnam, because if the outcome goes as now appears practically certain, you will have weakened your supporters in the United States enormously.

But I am not here to discuss our domestic politics. I am here to remind you that you will get no better terms after the election.

But also I am here to meet with you in a spirit of conciliation and goodwill. I hope we can abandon unilateral demands. I hope we can look understandingly at each other's point of view. We will not use third parties, official or unofficial, appointed or self-appointed. I propose that we talk openly with each other. And I propose that we set a specific work program for ourselves. We should set an overall goal of what we are trying to achieve. We should decide on the relation between what we do here and the public sessions. And we should try to establish a specific schedule.

The Special Adviser and the Minister have always accused me of a lack of concreteness and specificity [they laugh], by which they meant that I did not sign the documents they put before me. But what has been lacking is a genuine understanding of what we have been trying to achieve. Neither of us will be able to trick the other. Once we agree on general objectives, we will find practical solutions relatively easily. Once we deal with each other on the basis of goodwill, you will find us meticulous and reliable in carrying out our promises. This has been the experience of all the countries we have dealt with, including some of your allies. We made eight agreements in Moscow in one week, and we have carried out every nuance of every agreement. So I want to tell you from our side that we want to do this with you. Since you've tried every other approach why not try this new approach?

I promise you this will be the last general thing you will hear from me. I will have something specific to say about how to proceed, but I want to hear your reaction to this, Mr. Special Adviser, Mr. Minister.

Xuan Thuy: We think we have come here to find a way to peacefully settle the Vietnam problem, and the sooner the better. For our side, we think that the United States in the past has missed many opportunities that have been offered, and you should have settled the problem soon. And now we do want to negotiate with Mr. Special Adviser Kissinger with goodwill and a serious attitude to settle the problem. Therefore we are prepared to listen to the concrete schedule that Dr. Kissinger will present.

Le Duc Tho: I have been listening to your presentation, what you might call "the general line of the United States." And we wish to listen to your concrete schedule. After that we will express our general line and then our concrete line too. Because if there is always such a general statement about a general line then no settlement is possible. Because if a settlement is to be reached you should be frank and bold in presenting your views and we will do the same. Because it is the time now to reach a settlement. This should be your objective requirement, and ours too.

Kissinger: I agree with you. But these negotiations will end like all the others if Hanoi takes the position that you have reached a condition not reached by any other human beings, namely infallibility. It is impossible that all proposals must come from us and that the test of concreteness is how closely we approximate the unilateral demands of my colleagues.

Xuan Thuy: We have also made many proposals too, to be discussed by both sides.

Kissinger: Yes, you've made many proposals, but . . .

Le Duc Tho: Now, I would move a little break. After the break, I would wish to listen to your concrete schedule and we shall express

ourselves. Because, since we start the discussions to find a method to solve the problem, both sides should express their views.

[It was 11:20. The group gets up from the table.]

Kissinger: See, I enjoy talking to you so much that I have an incentive not to settle so I can continue these meetings.

Le Duc Tho: A mutual incentive!

[Dr. Kissinger, Le Duc Tho, and interpreter Phuong step out on the balcony outside the meeting room for the following informal talk during the break. Minister Xuan Thuy retires upstairs.]

[Kissinger: Vietnam is not that central a feature in our policy. It has to be in your policy. If I may say so, I do not think your leaders have fully understood. Seriously, once the war is settled, Vietnam will gradually become a subsidiary issue for American foreign policy. It will never become a subsidiary issue for your policy.]

[Le Duc Tho: But I think the Vietnam issue is the crucial issue of the world situation. Because with the solution of the Vietnam problem many other problems will be settled. Your relations with China, with the USSR. So the Vietnam problem is a problem for the U.S. This is a reality.]

[Kissinger: Mr. Special Adviser, Vietnam is a problem to us. But it is not an obstacle to our worldwide policy the way it was four to five years ago. It has some domestic implications but our international position . . . it has pluses and minuses for you. When John Foster Dulles and John Kennedy went into Vietnam, they thought you were agents for other Communist countries. You remember Dean Rusk said you were carrying out the policy of Peking. We recognize this is nonsense. We have experienced that you are very difficult. But we recognize that you carry out your own national policy and nobody else's. So in this sense we have no global incentive to be in Vietnam. Containing Peking was an objective for the U.S., but containing Hanoi is not an objective for the U.S. You are no threat to us. So this is a factor that will reduce our permanent involvement in Vietnam no matter what happens, even if we don't settle.]

[On the other hand, I don't believe our relations with other countries are affected by our relations with you, as recent events have proved. So from this point of view the situation is also difficult for you. So for both of these reasons, if we can settle the war, you have an assurance you didn't have in the 1950's and 60's that the U.S. will reduce its role in Indochina.]

[For example—this is speaking privately, not a negotiation—you have made much of an agreement to reduce our aid. For many reasons a formal agreement is very hard for us, not because we want to go back in but because of other countries, far away from you. But do you

think Congress will appropriate as much money to Vietnam after a settlement? We don't give a billion dollars to any country. So if aid to Vietnam reduces to what is normal for a country that size, once peace is restored, that is a reality.

[In other words, it doesn't depend on the clauses in the agreement. You have experiences from a different phase of American foreign policy. John Foster Dulles and Dean Rusk were bound to get involved in Vietnam and Laos regardless of what was in the agreements. It was their philosophy that got them in Vietnam, not their agreements. We are going to a new philosophy—if you let us. You are keeping us in there. It is one of your great achievements!]

[Le Duc Tho: After a settlement, relations between Vietnam and the U.S. should be new relations, and I believe they should be good relations.]

[Kissinger: I agree.]

[Le Duc Tho: Let us have refreshments, then I will respond.]

[They come back inside. The meeting resumes at 11:42.]

Xuan Thuy: Mr. Special Adviser Dr. Kissinger has expressed your general views on Vietnam and Southeast Asia. Let us now express our own views on Vietnam and Southeast Asia. After that, we would propose that you present your concrete schedule as you have raised.

Now, Special Adviser Le Duc Tho will speak about our general attitude.

Le Duc Tho: You have just let us know your general line. Let us now express our own views on the general situation so far in the negotiations between the two sides, and our general observations on the general situation and general policy of ours. And then we would prefer to listen to your concrete views on the settlement of the Vietnam problem. And then we shall express ourselves.

Kissinger: That is fair enough.

Le Duc Tho: So far the Democratic Republic of Vietnam and the United States have had a dozen private meetings. We feel that this 14th private meeting has its important significance, because if the two sides make a new effort toward an adequate solution of the Vietnam problem, then this meeting will be a turning point.

Now I will express myself in a comprehensive way. First, I would like to review the process of the negotiations between you and us, and our general position regarding Vietnam, Laos, and Cambodia, our policy toward the Southeast Asian region, and our policy toward the United States.

Now, let me speak about the first question. You are a university professor, a statesman and a diplomat. You have been following the Vietnam problem a long time now, and you are in charge of direct

negotiations with us. You know Vietnam is a small country. We have been subjected to aggression for 1000 years by powers many times stronger than Vietnam. But the Vietnamese people have stood up to every aggression, despite every sacrifice and hardship, to seize back our independence and freedom. And many times in the past we have won glorious victories. This is the past history of the Vietnamese nation.

Enhancing this tradition of gallantry and nonsubmission, the Vietnamese people have stood up against French colonialism and now U.S. aggression. The United States is the biggest power in the world, and it has poured millions of tons of bombs and shells to devastate our country—a small country with an underdeveloped economy. We can say that no inch, no acre of our country can be spared U.S. shells. In every inch there is Vietnamese blood poured. Though we can make every sacrifice, our people are determined not to submit our country to be enslaved again. Even if we lose everything, we are not prepared to lose our freedom. The victories we have won against French colonialism and the victories we have won in the last fourteen years over U.S. aggression testify to this fact. Our people have toiled endlessly for their freedom.

But the Vietnamese nation is also a peaceloving nation. We know full well that for a small country, a war should be settled not only by armed struggle but finally by peaceful negotiation. And after a settlement, the two sides can maintain good relations. Vietnamese history has testified to this. This is why over the past 25 years the Vietnamese have carried out many negotiations—in 1946 with the French, in 1954 at the Geneva Conference on Indochina, in 1962 at the Geneva Conference on Laos. Therefore, we feel there is no reason why we cannot achieve a peaceful settlement with the United States.

But what is the reason why our negotiations have not come to any result over the past four years, as you have just said? Actually the negotiations between Vietnam and the U.S. are different from the negotiations you conducted with the Soviet Union and China, very different. And therefore there are difficulties. It is not so easy as you have done with the Soviet Union and China. You have carried out an aggression very deep and very long in Vietnam. Therefore to get out is not easy. Because you are not concerned with Vietnam only, you are concerned with other parts of the world. This is a difficulty.

As for us, we are one people, determined to win back our freedom and our independence. And we will not yield to military pressure. The objectives of the United States and the objectives of Vietnam are different. It is different from the negotiations you conduct with the Soviet Union and with China because these are with big powers.

Therefore now let us review our negotiations here, why over the past four years the negotiations were not fruitful. Today at this forum

I am reluctant to engage in polemics about which side is responsible for the failure. I would like to point out the fact that since President Nixon came to power, U.S. policy is centered on Vietnamization of the war. You have been continuously expanding and intensifying the war throughout these four years of negotiations. That is why you have been carrying out very fierce, very cruel sweep operations throughout South Vietnam with a view to build up and consolidate the Saigon Administration. And this for the purpose that after your withdrawal you would be in a position to continue your policy in Vietnam. Then you extended the war to Cambodia and to Highway Number 9 in southern Laos. And now you have carried out a fierce air and naval bombardment of Vietnam and have blockaded and mined our seaports. And with such acts of war, how can we negotiate? And so it is clear you are not ready to negotiate. You have missed many opportunities to settle the Vietnam war peacefully. We think with your policy of Vietnamization of the war you still want to force us by military pressure to accept your terms. That is, you want to get out of Vietnam but after you get out you still want to implement in one form or another your neocolonialist policy.

You used the pretext that the North Vietnamese Army launched an offensive against the South to justify the mining and bombing. You wanted to stifle North Vietnam in violation of the U.S.'s engagement of 1968 with us. The reasons you invoked for intensifying the war are not legitimate. Because over the past ten years since the U.S. aggression against Vietnam began, the Vietnamese people in both zones, North and South, have united and have stood up in one common front to strike back and defend the independence of their country. This is the legitimate right of self-defense of every country in the world. You know full well that the military forces that fought on Highway Number 9 in Laos are the same forces that fought in Quang Tri and Thua Thien. There are no other forces.

Kissinger: On whose side?

Le Duc Tho: The Liberation forces. There are no other forces.

Kissinger: One could argue that they had no right to be in Laos in the first place. But you can finish your statement. You cannot derive a right to fight in South Vietnam from the fact that they are already in Laos and Cambodia. But I'll let you finish.

Le Duc Tho: Your bombardment and your blockade of North Vietnamese seaports are aimed at forcing us to surrender, and at winning a strong position in the negotiations for you. Today I would like to point out to you that the bombing raids are not aimed solely at military targets but at densely populated areas, at dikes and dams, at targets that have no possible military significance. Journalists, politicians, friends, have been visiting us and witnessed this. Nevertheless President Nixon has affirmed that the bombs are aimed only at military and not civilian targets. This is utterly false.

We wonder, if the U.S. really wants an adequate peaceful solution, how President Nixon can continue the bombing and mining. It is time now to enter negotiations to really settle the problem. Your actions will but deepen the hatred of our people, will prolong the war and hinder our negotiations. Therefore we think that in order to create a propitious atmosphere for the negotiations that are coming now to a turning point, the U.S. should stop the bombing of North Vietnam and the mining of our ports. We think you should carefully think over and look over past experiences. Continuation of the bombing of North Vietnam may create more destruction and more sacrifice for our people, but the bombing will not succeed in subduing us and will not settle the fate of the war.

And the continuation of the Vietnamization policy that is now failing in South Vietnam will get the U.S. involved indefinitely in Vietnam, and no one knows when the U.S. will get out of Vietnam. If now the U.S. still thinks you can settle the problem by continuing military measures and trying to settle from a position of strength, certainly it will be a great mistake in the term of President Nixon.

We firmly believe the American people will not allow President Nixon to continue such actions, which are not in the interest of the American people, of the Vietnamese people, or of the world's people. The best way to settle is by negotiation. For our part we really desire a peaceful settlement. It is time now for you and us to enter serious negotiations, to discuss questions of substance and reach a logical and reasonable settlement acceptable to both sides.

Settlement of the Vietnam question directly involves you and us. It would be a useless effort if you try to find another way than negotiating, if you resort to other diplomatic maneuvers. The problem will not be settled that way.

Kissinger: He doesn't like my traveling.

Le Duc Tho: And the experiences of the last four years of negotiations are evidence of this. In our negotiations there is a very important factor, that is, a common desire to reach a settlement, a mutual understanding. And it is also important to create minimal trust between the two sides, as you have just said. You have just said, if a settlement is to be reached, we should express our views in a frank, open-minded, straightforward way. Because the two sides have been separated by a deep gap of hostility and mistrust. Therefore a settlement requires a mutual understanding and confidence, a minimum of understanding and trust, and a realistic outlook. We are prepared to enter into negotiation in this same spirit but we wonder if you are prepared in the same spirit.

Hitherto we have negotiated and signed many documents with you, in 1954 and 1962. But up to now these agreements have been torn

up. Even the U.S. agreement of October 1968 regarding cessation of the bombing of North Vietnam is not honored by you. Even in the less important things, such as divulging the private meetings, you have never kept your promise. We have been deceived too many times.

Parenthetically, when I met Joseph Kraft, I told him so. After the meeting he told another journalist. He confirmed that actually the North Vietnamese have been deceived too many times. This is a fact. So the fault is not on our side.

Kissinger: It is unfair to put our journalists up against the Special Adviser. Last year he defeated Anthony Lewis, this year Joseph Kraft.

In fact if you kept Kraft in Hanoi, he would be in the last batch we would repatriate.

Xuan Thuy: He is now back.

Kissinger: To my regret. Now he will attack me.

Xuan Thuy: So your last man has now left North Vietnam [laughter]! You will not ask for others.

Le Duc Tho: So we are now going to negotiate and settle the problem. But we wonder if the agreements will be kept for a long time, or if they will be reversed no sooner than signed. If so, no good results will come of the negotiations. Are you prepared to keep your words, and strictly respect agreements reached, and match words with deeds? In a word, we will now begin serious negotiation and settle the problem for the immediate and long-term interest of both sides. Then we should realize mutual agreement, mutual confidence. All agreements, signed and unsigned, should be honored to wipe out hostility, to build confidence in the future and a long-term relationship between the two sides.

Let me speak on another question, that is, our general view of Vietnam, Laos and Cambodia. I will also first speak on our policy toward the U.S., in the immediate as well as long-term period.

After World War II, in 1945, we seized back our independence from the hands of the Japanese fascists and founded an independent country. You see, in the midst of resistance against Japanese fascism, on the Vietnamese front, we had contact with Americans. The U.S. was one of our allies against Japanese fascism. The Americans came to our base in Viet Bac [northern Vietnam] and gave advice and training. And it is not mere coincidence that in our declaration of independence we quoted some sentences from your Declaration of Independence of 200 years ago. It was said, "All men are created equal and endowed by their creator with certain inalienable rights. Among these are life, liberty, and the pursuit of happiness." This shows that from the early days of our independence, in 1945, when the Vietnamese people turned a new page in our history, we had already a good intention to have a new relationship with the United States on a new basis.

Unfortunately, shortly afterward the French colonialists returned to Vietnam and the U.S. helped the French, and changed its policy, to put a colonial yoke on Vietnam. After nine years of resistance we won a very great victory, and the Geneva Agreement of 1954 recognized the independence, sovereignty, territorial integrity and unity of Vietnam. Immediately after, the U.S. replaced the French, and sent troops directly, for aggression against Vietnam, with a view to make Vietnam a base for a neocolonialist policy. And the U.S. sent its air force to bomb North Vietnam, and the whole people stood up against U.S. aggression.

The object of our policy is to defend, preserve, the fundamental principles of the Geneva Agreement of 1954. Vietnam is one. The Vietnamese people are one. Definitely, Vietnam will be reunified. This is the deepest aspiration of every Vietnamese in the two zones. And we stand for the reunification of the two sides by peaceful means, by common agreement by the parties. Pending the peaceful reunification of our country, we have no other desire than to see the South and the North as independent and neutral, as provided for by the 1954 Geneva Agreements. North Vietnam will not allow foreign military personnel and military bases, and North Vietnam will not join any military alliance with foreign powers. South Vietnam should do the same, and not allow foreign military bases or military personnel and should not join military alliances. South Vietnam will not impose a socialist system as we have in the North. But South Vietnam should not be a neocolony of the U.S., and should follow a progressive democratic system. Pending reunification of the country, the two zones, North and South, should maintain a close relationship in all fields. We hold that the two zones should maintain peace and contribute to lasting peace in the area.²

This is our basic objective with respect to the real situation between North and South Vietnam at present.

What is our policy toward Laos and Cambodia? Over the past four years, the U.S. has not only carried out a war of aggression against Vietnam, but also has extended the war to Laos and Cambodia. Faced with such a situation, the Vietnamese people have united with the Lao and Cambodian people to fight aggression and defend their independence and freedom. This is a historical necessity. Vietnam is a small country; Vietnam will never carry out aggression against any other country. We consistently respect the independence, neutrality, sovereignty and territorial integrity of Laos and Cambodia. We will respect the provisions of the 1954 Geneva Agreement on Cambodia and the

² The last two sentences of this paragraph were highlighted in the margin by an unknown hand.

1962 Geneva Agreement on Laos. The internal problems of each country, Laos and Cambodia, must be settled by its own people. The problems concerning the Indochinese countries should be settled by the Indochinese parties on the basis of respect for their independence, sovereignty, territorial integrity, without interference by other countries in their internal affairs. For its part, North Vietnam is prepared to participate in a settlement of these problems. Since our political objectives with respect to Laos and Cambodia are so clear, that we have shown restraint on our military activities is known to you.

Kissinger: Where have you shown restraint? I just want to know the localities; I am not arguing.

Le Duc Tho: In Laos and Cambodia. You have been following the military situation. This is known to you.

Besides that, in the Southeast Asian region, we stand for a peaceful, independent and neutral Southeast Asia. We state that we are prepared to participate in zonal cooperation for economic development and cultural exchange. This is beneficial to a lasting peace in Southeast Asia.

With the U.S. in particular, we think that after a peaceful settlement of the Vietnam problem, there is no reason that prevents the relationship between our two peoples from becoming fine again, to open a new page in our relations, and reopen the relations of many years ago, as I stated. We will implement our desire for good relations for two score years. In spite of the hostile past between the U.S. and Vietnam, we are confident that after a settlement of the war in the interests of the two countries, we are sure that Vietnam will maintain good relations with the U.S. as we have done with the French, and history shows we have done so many times.

That is why the Provisional Revolutionary Government has put forward in its Seven Points that Vietnam should follow a foreign policy of peace, independence, and neutrality. And South Vietnam will establish relations with all countries irrespective of their social and political systems, establish economic and cultural relations with all countries, receive the cooperation of all countries to exploit the resources of South Vietnam, accept economic and technical aid from all countries without political conditions attached, and participate in cooperative programs in the field of economy. On the basis of these principles, after the war South Vietnam will establish political, economic and cultural relations with the U.S.

As for the Democratic Republic of Vietnam, we will also pursue a foreign policy of peaceful coexistence. We shall establish relations with all countries irrespective of the political systems of these countries. With regard to the United States, we wish for the establishment of relations in all fields with the United States. And we wish that the United States will establish the task of healing the wounds of war and

will help rebuild devastated areas. After the restoration of peace, we shall put an end to a period of hostility between the two countries and shift into a new period of good relations on the new basis of equality and mutual interest.

Obviously, all the above is possible only with a peaceful settlement of the Vietnam problem. In the present international situation, there are plenty of complex contradictions in every area. We do not want to be involved in such complex contradictions. We consistently maintain our independent sovereign policy to settle all internal or foreign problems arising from our own life. This independent and sovereign policy is the sure guarantee of our independence and freedom.

Basing ourselves on this real situation, we have expressed our very basic views on a whole series of issues of practical concern. We would like to hear your views on these issues. This is all the proposals I would like to raise with you. Now I expect you will present your concrete views on the solution to the Vietnam problem. I am prepared to listen to you.

Dr. Kissinger: Mr. Special Adviser, Mr. Minister, first one procedural point. I want to express my appreciation for your having your interpreter interpret for both sides, which must be a strain on him. We will try to find, if we have future meetings, someone who speaks Vietnamese or French and whom we trust. The latter is the limiting condition! We are aware of the fact that this is a great imposition, and this requires great stamina. Unfortunately for your opponents—but fortunately for these discussions—you possess great stamina.

Now I want to say I appreciate the spirit in which the observations of the Special Adviser were put forward. If we proceed on both sides with this attitude, then even if we start some distance apart we can make a serious effort to narrow these differences. That will be our approach.

I will make one observation about the American domestic situation. The Special Adviser has pointed out that “the American people will not permit our government to pursue its present policy.” As has been proved over the last four years, our domestic opposition is not capable of stopping our policy. The popularity of the President increased enormously after the decisions of May. Jane Fonda does not represent America. But that should not be the point, because we want to settle the war and we don’t need that particular argument.

As I explained to the Special Adviser privately when we were standing outside, we have our own reasons—above all in terms of our overall situation. The original reasons which led to our involvement are no longer valid. I also agree with the Special Adviser that there is a special problem in our negotiations. We have global responsibilities. And therefore we tend to look at certain Vietnamese problems in terms of their effect on parts of the world which are of no concern to you.

Indochina is your principal problem, and therefore we have a different perspective. This is no argument against a solution; it means we will have to be somewhat patient with each other in the process of negotiating. It isn't a lack of goodwill on either side.

Now the Special Adviser asked one question, which I think requires a thoughtful answer, which is: If we come to an agreement, will we keep it? I want to tell the Special Adviser and the Minister that if we come to an agreement we will observe not only the letter but the spirit, not only formal aspect but every nuance.

[Tho starts to speak, then stops.]

The Special Adviser needs equal time?

Le Duc Tho: Because I wondered about the word "nuance."

Dr. Kissinger: The reason I use the word "nuance" is, no matter what we write down, there will be two aspects: What conditions does it bring about and what trend does it start? The important thing is whether both sides are willing to live with the trend that it starts, and understand it, so that both are willing to go the road no matter what happens. Not all proposals will solve everything at once, but some things will have to evolve—even with your proposals.

I formed the impression that the Special Adviser is somewhat influenced by Leninist philosophy. Am I correct? [Tho laughs.] And therefore, seriously, we both know that whatever we sign will be the start of a process. And that is why I wanted to say we must understand the consequences and both sides will live with it. We are prepared. In fact, that in many ways will be the most important agreement we reach, if we reach agreement.

A few other observations of the Special Adviser give us no problem. We don't want to maintain bases or military personnel in any part of Indochina at the conclusion of hostilities. Second, we have no difficulty agreeing to a foreign policy of neutrality for all the countries of Indochina. So we have some positive beginnings.

Now with respect to specific proposals, we can proceed in two ways. One is, I could present to the Minister and Special Adviser some modifications of our May 8 proposals.

Le Duc Tho: Modifications or qualifications?

Dr. Kissinger: Modifications, and at the same time I would be prepared to go over with the Special Adviser and the Minister a point by point questioning of your Seven Points and Two Points to make sure we have understood them correctly.

Another possibility is that since this is going to be a somewhat time-consuming process if we start it now, I would like to pick up a point the Special Adviser made with respect to our military activities. The point being that the Special Adviser seemed to believe that our

military activities in North Vietnam had a detrimental impact on the prospects of negotiation. Of course, we believe that your military activities in the rest of Indochina have a detrimental impact on the prospects of negotiation.

It is therefore possible that we could discuss here—and we also recognize that a general ceasefire of indefinite duration presents particular difficulties to you—one approach could be that we agree on a ceasefire of some four months' duration throughout Indochina, during which period both sides would stop their military activity and negotiate the details of a settlement. We would, as part of such an arrangement, propose the release of some prisoners, presumably those who have been kept in prison the longest time.

May I ask the Minister and Special Adviser what they think of this interim approach while we negotiate the details of the other.

Le Duc Tho: Our position regarding a ceasefire is known to you so far. We advocate that you and we should settle all military and political problems and after agreement is reached and after the signing of an agreement, then a ceasefire could take place. And I remember once in our discussions you agreed to this approach. The reason why I hold this view is that only after a settlement of all the problems a ceasefire will last and lasting peace will be assured.

Dr. Kissinger: But I am now speaking of a temporary ceasefire to allow negotiations to go on. Say three or four months.

Le Duc Tho: I think to conduct negotiations and settle the problem both sides should go into reviewing all questions and agree on an agenda of items to be discussed, and to come [enter] into discussions of these items. If in one question we meet with difficulties in our discussion we shall shift the discussion to another. We shall come to an agreement and then a ceasefire shall take place. In our view, such a ceasefire will be a final ceasefire, a definite ceasefire, for a lasting peace.

There is no point to observe a three-month, four-month ceasefire and then [have] hostilities resume. We feel that if you really want serious negotiations, the way we have proposed is the correct one, a practical one. This is the same way we adopted at the Geneva Conferences in 1954 and 1962.

Dr. Kissinger: I have no objection to this procedure. But I want to make clear we are prepared to discuss a temporary ceasefire. In our view, a cessation of military operations while negotiations are going on would create a better atmosphere for negotiations. We for our part are prepared to stop military operations throughout Indochina, if you are prepared to do this, to permit negotiations to proceed in a better atmosphere. But as I understand it, you're not prepared to discuss this today?

Le Duc Tho: We hold our view as I presented it to you.

Dr. Kissinger: We just wanted to understand it. Then let me proceed with some modifications of our May 8 proposal. Then we are prepared to listen to any modifications of your proposal, and if not, I can proceed with some questions on your proposal.

Is this an agreeable procedure?

Le Duc Tho: Please now present your views, modifications, and we will then express ourselves.

Dr. Kissinger: I am talking about the proposal presented by the President in his May 8 speech.

First, you remember it required an internationally supervised ceasefire throughout Indochina. The two sides should enter into immediate discussions to determine its modalities. In case of such a ceasefire, the United States will cease all acts of force throughout Indochina and will cooperate with the Democratic Republic of Vietnam in deactivating mines placed in North Vietnamese ports and waterways.

The modification I would like to present is: When I met with you on May 2 we were discussing withdrawal of all your forces to the positions of March 29, prior to the offensive. Our proposal would be that in the ceasefire the armed forces of both sides would stop all offensive action against each other from the positions they now occupy, in other words that the ceasefire would be essentially in-place.

Second, with respect to withdrawal of United States and allied forces, we have proposed that we would withdraw from South Vietnam all U.S. forces and all allied forces within four months of the implementation of such a ceasefire, and within four months after the prisoners have been released.

We are now modifying this proposal to say that the prisoner release can take place side-by-side with the withdrawal.

Third, with respect to political issues, we are prepared, side-by-side with a ceasefire, to agree with you on some political principles which should govern the political future of South Vietnam. These are:

—South Vietnam should be free to decide its future free from outside interference.

—Second, the U.S. will remain neutral in any election, abide by the results of an election or any other political process shaped by the South Vietnamese, and is prepared to define its economic and military assistance relationship with any South Vietnamese government.

—Three, the countries of Indochina should adopt foreign policies of neutrality.

—Four, reunification of Vietnam should be decided through discussions and agreement between North and South without constraint or annexation by either party.

—Five, the problems of the Indochinese countries should be settled by the Indochinese parties on the basis of mutual respect for the independence, sovereignty, territorial integrity, and non-interference in each other's affairs.

—There should be an international guarantee for the fundamental national rights of the Indochinese peoples, the status of all countries in Indochina and lasting peace in the region.

These are the modifications of our May 8 proposal that I would like to present. It constitutes a definition of ceasefire that differs from what we proposed on May 2, a modification of the timing of the withdrawal of U.S. and allied forces, and some general principles to guide the political process.

Here is an informal copy to help your translation. [A carbon copy of the original at Tab B was handed over.]

Le Duc Tho: Now, I would like to have some preliminary remarks, and then I would propose a break.

What you have called a modification and a specific proposal I feel are not a modification and are not specific. Because you still maintain a ceasefire and withdrawal of U.S. forces in four months—because previously it was four months—and release of prisoners. Regarding political questions, I have the impression I am hearing again what you have said over the past thirteen sessions. They are not even as clear as your Eight Points—for example, on the resignation of Nguyen Van Thieu and the timing of elections. So these are not as concrete and specific as your previous Eight Points.

Dr. Kissinger: Which were also not concrete or specific.

Le Duc Tho: But these points are even less specific than the Eight Points in certain points.

At the beginning, you spoke about goodwill and specific proposals. I have been expecting some specific proposal. But what you just said, they are similar to previous statements and to what you said in public statements. But I think in this forum you should speak in a different way.

So these proposals do not match with what you said in the beginning about goodwill and specific proposals. The questions I have just raised about our general position toward Vietnam, Laos, Cambodia, Southeast Asia, and the United States I feel are more specific and positive. So up to now, [in] what you have just said, besides the general line, there is no positive point. As for us, since the beginning, you should have realized that we desire to have serious negotiation.

Dr. Kissinger: Since the beginning of what?

Le Duc Tho: Of this meeting.

But the statement you have made just now is contrary to my expectation when I listened to you at the beginning.

This is my preliminary remark after listening to you. This is my frank expression. You have not responded to my frankness. So this beginning has not opened up a good prospect yet.

Dr. Kissinger: The Special Adviser has proposed a brief break. Could I suggest that after the break he point out to me which aspects of his presentation we should pay particular attention to, which ones have positive aspects, because whatever we begin I want him to know we will examine very carefully his presentation. Could we do that? And I also have questions to ask as well. Because I believe the spirit of his presentation was a positive one. Which is more than in fourteen meetings the Special Adviser has ever said about me.

Le Duc Tho: But on the contrary your response is a negative one. In order to bring results to the negotiation both sides should be positive.

Dr. Kissinger: I agree.

Le Duc Tho: I still remember the message you sent us. You said you would come with a positive and constructive attitude. I think the result is the contrary. I still remember also that before leaving last time you also said you would next time have something new. But these points I have already from reading the speech of President Nixon.

Dr. Kissinger: I have said before that in order to proceed constructively we should go over our proposals, which have never been discussed.

[The group gets up from the table, at about 1:34 p.m., and goes to the next room where snacks and drinks are served. Le Duc Tho and Xuan Thuy leave to confer privately. The American side engages in small talk with the North Vietnamese interpreter and notetakers. There is much eating, and relaxed friendly conversation. After about half an hour Le Duc Tho returns alone.

[Informal conversation took place, along the following lines:

[Dr. Kissinger: Do you trust the Minister to be left by himself?

[Laughter]

[The Special Adviser has the habit of always telling me I am not concrete enough and then a year later telling me I missed an opportunity.

[Le Duc Tho: If you are more concrete, we can reach a solution. Today is another opportunity.

[Dr. Kissinger: Speaking as an historian, the war will eventually be settled—in spite of me! Maybe next year if not this year. But we both have to extricate ourselves from an historical process in which we are both engaged.

[Le Duc Tho: I hope you extricate yourself in this term of the President. The U.S. has solved many problems lately, of not so much difficulty. Vietnam is a difficult problem.

[Dr. Kissinger: You have to help us.

[Le Duc Tho: You and I together. If you succeed you will be number one as a trouble-shooter.

[Dr. Kissinger: I always say that the person who says “flattery will get you nowhere” has never had flattery. May I ask the Special Adviser how long he has been a member of the Communist movement in Vietnam?

[Le Duc Tho: Way back, before the war.

[Dr. Kissinger: It took great moral courage to join then. I have great admiration for the personal courage of you and your leaders.

[There was other small talk. About 2:20, Minister Xuan Thuy returned and the group reconvened at the table.]

Xuan Thuy: You will continue?

Dr. Kissinger: My impression was that the Special Adviser would point out to me now which points of his presentation deserve special attention. And we would then discuss which particular points we should emphasize in reflecting on this meeting, and we would then comment on that.

Le Duc Tho: In the first part of my presentation, I would like to draw your attention to the passage in which I emphasized our goodwill and serious intent. And in this passage I would like also to draw attention to the point that if you also show goodwill and serious intention you should stop the bombing of North Vietnam and the mining of North Vietnamese seaports. Because these do not reflect goodwill. In doing so you want to force us to surrender and want to gain a strong position from which you want to negotiate. I also pointed out that in negotiating we should create an atmosphere of mutual confidence and both sides should respect engagements made. These are the points I should like to draw attention to.

In the second part, I expressed my point of view with respect to Laos, Cambodia and Southeast Asia—these are very fundamental questions—and toward the United States too. Please, I would suggest that you examine them carefully, not only for the present but also for the long term future.

Now, going into the solution itself, I would like to know your view. Throughout the negotiations there are two biggest outstanding questions, first the political solution and second, the way to conduct the negotiations between us. As to the other questions, I feel that in principle we have come to the same view on certain questions.

Before dealing with these questions, I would like to know your views on these two outstanding questions: First, the political question of South Vietnam. How do you envisage the political process in South Vietnam, very concretely? The way you have just expressed was in very general terms.

You claimed we wanted to impose a three-segment government on South Vietnam as a Communist government. It is not true, not correct. Because a government including these three segments cannot be a Communist government. One segment will be chosen by the Saigon Administration without Thieu, as I have said. One segment belongs to the Provisional Revolutionary Government and will be chosen by the PRG. And the third segment is composed of neutralists in South Vietnam, not favoring the Provisional Revolutionary Government nor the present Saigon Administration. So we believe that such a government includes people of all political colors and tendencies, from rightist to leftist.

Such a government reflects the real political situation in South Vietnam, because at present there are two administrations in South Vietnam; besides, there are neutralist political forces. The existence of these political forces constitutes an objective reality. And I think that to achieve a lasting peace these three forces must realize national concord. Otherwise, if there is no such national concord among the opponent forces, then the war will resume. This is our point of view on the three-segment government.

Repeatedly you make public statements that this three-segment government is a Communist government. It is not true. Because the structural organization, the regime of such a government is quite different from North Vietnam's socialist government—not only in structural organization but also in the economic, cultural area as well. Actually, such a government contains the features of a progressive democratic bourgeois regime. Such is my point of view on the three-segment government. What are your views?

Dr. Kissinger: Let me ask you some questions. I confess I believe that your three-segment government is objectively . . . will lead objectively to a Communist government and that is what you are proposing. You have proposed to journalists that perhaps I didn't understand it, so let me ask about it.

First, what is the relation between your two clarifying statements and the Seven Points? Do they supplement them or supersede them?

Le Duc Tho: Basically speaking, these two elaborations are the same as the Seven Points but they give more clarification and they add something to them.

Dr. Kissinger: What is the new element they add?

[The other side searches for a copy.]

I have them. I want to know what the new element is.

Le Duc Tho: In these two elaborating points, as regards military questions merely speaking, they are like the Seven Points. But previously we set a date, a time limit. Two or three times we tried such a

date. But you didn't respond to such a proposal. Now we only move that you set yourself a specific date for withdrawal; we no longer set a specific date. So it is up to you now to propose a date and we will discuss such a date.

Regarding the political questions, previously we demand a change of the Saigon Administration completely and to replace it by a new government standing for peace, independence and democracy. Now we demand only the immediate resignation of Nguyen Van Thieu. The remaining members of the Saigon Administration may remain but should change their policy to comply with the democratic liberties as required in Article 14(c) of the Geneva Agreement. So it is more flexible than previously.

Dr. Kissinger: Not really. You're asking the same people to follow your policy!

Le Duc Tho: No, only a change in policy to provide the democratic liberties of Article 14(c). I remember you once asked me if a change of policy was enough. So we said here, "a change of policy."

Dr. Kissinger: Let me understand it. First, President Thieu resigns, second, the Saigon Administration without Thieu changes its policy—all this time the war continues—then this government, without Thieu, negotiates with the PRG. All the time the war continues. Only after the PRG and his government have agreed on a new government of national concord will the war stop.

Le Duc Tho: [Nods yes.] After agreement is reached on all questions, including political questions, then a ceasefire.

Dr. Kissinger: So let me summarize. Thieu resigns. Then a government without Thieu changes its policy. Then this government with the changed policy negotiates with the PRG. Then after it has completed negotiations with the PRG there will be a ceasefire. That's correct?

[Tho nods yes.]

Again, so that I know what you're talking about: "Resign immediately." It doesn't mean I agree with it, only that I understand it. I don't want to get the Minister's hopes up! [laughter]

Xuan Thuy: You're understood.

Dr. Kissinger: Next, the Saigon Administration must end its warlike policy. Now what is it you want them to stop?

Le Duc Tho: When we speak of a change of policy by the Saigon Administration, we mean the enforcement of democratic liberties provided for by Article 14(c).

Dr. Kissinger: Like what?

Le Duc Tho: Such as freedom of speech, freedom of the press, freedom of meeting, stop all terrorist measures, stop all the arresting of opposition people, stop all repression.

Dr. Kissinger: But you say this has no relation to North Vietnam?

Le Duc Tho: In North Vietnam we are constantly applying democratic liberties.

Dr. Kissinger: You have an opposition . . . ?

Le Duc Tho: This was the demand we made in 1954.

Dr. Kissinger: You have freedom of the press? [They nod yes.] Anyone can publish a newspaper?

Le Duc Tho: Anyone can publish a newspaper.

Dr. Kissinger: Even against the government?

Le Duc Tho: There is no one in North Vietnam who wants to publish such a paper.

Dr. Kissinger: You took care of that?

“Disband the machinery of repression.” What does this mean? Do they have to disband the police?

Le Duc Tho: In every country there are military forces, there are security forces. It is something normal in each country. But in South Vietnam it is something abnormal; it is a huge machinery for repressing the people. There are concentration camps.

Dr. Kissinger: But that is in a separate point. What is it they have to disband?

Le Duc Tho: We mean here the concentration camps.

Dr. Kissinger: But you mention concentration camps separately.

Le Duc Tho: But in South Vietnam there are also camouflaged concentration camps just to keep the native population on the spot and prevent them from returning to their native villages.

Dr. Kissinger: What happens to the police?

Le Duc Tho: I think that besides the army every country has a police force to keep security.

Dr. Kissinger: Can they keep their present police force?

Le Duc Tho: I think you and I should enter into a discussion of the basic questions, for instance, the question of the three-segment government, the question of the resignation of Thieu, and the government minus Thieu changing its policy and ensuring democratic liberties. Questions such as the police we can discuss later.

Dr. Kissinger: Not unless I know what you mean. What happens to the South Vietnamese Armed Forces?

Le Duc Tho: Now in South Vietnam there are two different administrations, two different armies. In point 3 of the Seven Points it is said that this question will be settled by the Vietnamese parties themselves in a spirit of mutual respect without foreign interference.

Dr. Kissinger: But there are two separate questions: What happens after the Government of National Concord exists, and what happens

after Thieu resigns but before the Government of National Concord is formed?

Le Duc Tho: After the resignation of Nguyen Van Thieu and before the formation of the Government of National Concord, the army of Saigon will remain the Saigon Administration armed forces.

Dr. Kissinger: But how can it end its warlike policy if it still has an instrument of making war?

Le Duc Tho: Because after the Government of National Concord is formed and there is agreement on all questions, political and military, the armies of the two sides will end the war.

Dr. Kissinger: No, before the Government of National Concord. You say after Thieu resigns, the new government does certain things and then negotiates with the PRG. If it continues fighting the PRG, you will say it is still pursuing a warlike policy and that someone else has to go.

Le Duc Tho: No, there are two aspects here. On the one hand, democratic liberties should be insured to the people. But when the liberties are insured but agreement is not yet reached, then the armies will go on fighting.

Dr. Kissinger: But then it will be pursuing a warlike policy, will it not?

Le Duc Tho: I think, as it happens elsewhere, hostilities are going on on the one hand and democratic liberties will be insured for the people on the other hand. Then a ceasefire will come. And maybe after the resignation of Nguyen Van Thieu the two sides may agree on a number of things to reduce hostilities, and maybe the ceasefire will come.

Dr. Kissinger: What do you mean by the end of pacification?

Le Duc Tho: It means the cessation of sweep operations and the arrestation of the population. I believe that when the two administrations sit together these questions will be discussed.

Dr. Kissinger: But this is what the administration has to do *in order* that this be discussed. We don't object to this as a result, but you are insisting on this as a precondition of a discussion.

Le Duc Tho: We put forward a number of points for a settlement of the problem. You too put forward a number. We can discuss them. In every negotiation—it is here a practical point—you cannot win everything you put forward, as we cannot win everything we put forward. Here is a subject for negotiation.³

³ This entire paragraph was highlighted in the margin, apparently by Kissinger.

Dr. Kissinger: I don't know why the Special Adviser won't win everything he puts forward. He is certainly making a tremendous try for it!

Le Duc Tho: You are, too. Both sides are trying for it. But you, like us, should discuss, negotiate, make an effort. Am I right?

Dr. Kissinger: You are right. Both sides cannot gain everything and we should look at these as points for negotiation. If this is your attitude we can look at yours in a different atmosphere.

Le Duc Tho: So please express your views.

Dr. Kissinger: I have another question. What do you mean by "The U.S. should stop its policy of Vietnamizing the war"? It is in your Seven Points.

Le Duc Tho: I mean by that that you want to nourish, nurture, the Saigon regime, consolidate it, build up its army and use its organization to continue the war while you withdraw, to continue what we call your neocolonialist policy.

Dr. Kissinger: This is, you say, our intention. But you cannot proscribe intentions. What is it you want us to stop doing in the first point?

Le Duc Tho: I think that in action you should stop supporting an administration you have set up. You should look at the real political situation in South Vietnam and act in keeping with the real political situation, that is, set up a three-segment government. That will reflect the real political situation.

So I have expressed my views on the three-segment government. What are yours?

Dr. Kissinger: But they are not yet clear to me. Because as I understand it, point one has to be implemented independently of point two, in either case [seven points or two points]. The military point. And because the Special Adviser wants us to keep every promise, and he is asking us to make a promise, I have to understand what he is asking us to promise.

As I understand it, we have to stop Vietnamization of the war. That means we have to stop economic and military aid to the successor government to President Thieu while that government is negotiating with the PRG. Is that correct?

Le Duc Tho: While this successor government to Thieu is discussing with the PRG, then U.S. economic and military aid to South Vietnam will have no change. But when the two parties agree on all points and come to formation of the three-segment government, then this three-segment government will decide its own policy on what economic and military aid. After the formation of the three-segment government, which economic and military aid will be decided by itself.

Dr. Kissinger: Obviously. But then let me ask about timing. Does it mean that U.S. withdrawal will not start until the three-segment government has been formed?

Le Duc Tho: In our view, when agreement is reached on all questions, and signed, and a ceasefire is observed, then the U.S. troop withdrawal begins. In what period, the parties will discuss.

Dr. Kissinger: But the ceasefire won't go into effect until the government of concord is formed.

Le Duc Tho: After agreement is reached on both military and political questions, then the ceasefire will start.

Dr. Kissinger: But if the two sides agree only that the Vietnamese sides will discuss the formation of a government of national concord, is that already an agreement?

Le Duc Tho: In our view, agreement is reached when the two sides sit together, negotiate, and come to agreement on how to form the three-segment government.

Dr. Kissinger: That's when the ceasefire begins? Only after the three-segment government is in fact formed?

Le Duc Tho: After agreement is reached.

Dr. Kissinger: Agreement to form it? or on how to form it?

Le Duc Tho: When agreement is reached on the composition, organization, prerogatives, and tasks of such a government, then an agreement is signed and a ceasefire starts. After a ceasefire, the three-segment government will assume its responsibilities to implement the agreement that has been reached.

Dr. Kissinger: I think I understand now.

Le Duc Tho: Please express your views.

Dr. Kissinger: I will express some preliminary views. I want to tell the Special Adviser we will study everything he has said with the greatest care, both his formal statement and his specific answers.

My preliminary answer is that we do not object to a government of national concord if it emerges out of free discussion among the South Vietnamese parties. The United States would not oppose some of the policies you describe if they were the outcome of a political process rather than a precondition for a political process.

For example, we have no objection to saying that the Government of South Vietnam can determine the amount of economic and military aid it receives. For example, we have no objection to saying that as a result of negotiation among the South Vietnamese parties democratic liberties should be assured.

What we object to is that as a condition of negotiation the objective basis of a Saigon Government should be destroyed so that the subsequent negotiations are a mere formality.

For example—let me be concrete—you have about eleven divisions in South Vietnam today. The PRG has three or four more. If now as a precondition to negotiation you say the Saigon Administration must change its warlike policy and if you define its warlike policy as resistance to these divisions, then you are asking them to yield before negotiations start. If on the other hand you say that political issues are to be settled among the genuine political forces in South Vietnam and they can fight each other until agreement is reached, then many of your political principles in your second point can be accepted.

So the distinction between your proposal and ours is partly a question of timing and partly a question of how it comes about—and partly a question of who does it. We have no difficulty accepting very strict definitions of nonintervention in South Vietnam's political life. We have great difficulty in imposing a particular political solution.

Some of the things the Special Adviser has said were positive, such as that American aid can continue until there is a new political . . . Others were more ambiguous, such as his reluctance to define precisely some of his formulations which, if I know him, he has thought through very precisely.

These are some preliminary reactions.

As I understand him, the lack of concreteness the Special Adviser complained about in the paper I gave you concerned primarily political issues. As I have told him, my concern is partly that sometimes he is excessively concrete. At the same time, I don't think the Special Adviser has fully studied the political impact of some of our military proposals.

I would particularly like to call his attention to my statement that if there is agreement, if he and I reach understanding on the political evolution, he can absolutely rely on our carrying out our understanding—a procedure we have followed in some other instances. We have no desire to leave Indochina by the front door only to reenter by the back door. As difficult as this Administration has been for you in many respects, so it will be meticulous in carrying out its engagements.

So I would propose—but I am willing to continue this discussion—but I propose that both sides study this record. And by next time we will undertake to see if we can give more concreteness to the political side in light of the discussions today, and if the Special Adviser can keep in mind our points have perhaps come up with some concrete proposals of his own. And then we could do as the Special Adviser suggests, put them side by side, and if there is difficulty on one, go on to the next until we either reach agreement or narrow the differences.

Le Duc Tho: May I express some views before . . . ?

Dr. Kissinger: Please. I have time. I just wanted to suggest a procedure. I'm willing to go on.

Le Duc Tho: You blame us that we are too concrete, and we blame you that you speak in too general terms on the political questions.

Dr. Kissinger: I agree. I understand and will take into account.

Le Duc Tho: So there lies the difference. We would like to have your more concrete views on the political questions and your views are not concrete enough. What we would like is to discuss, we and you, both military and political questions. After discussing all the problems and after coming to an agreement, you and we, if there remain specific questions that need discussion between the South Vietnamese parties, we hold that discussion of all problems must lead to agreements. And then after the signing of agreements a ceasefire can take place, and implementation of the signed agreements can begin.

The difference between us is the following: First, the political question, and second, the way to conduct negotiations. We would like to discuss both the military and the political questions very concretely, very detailed, and come to an agreement. You want to separate the military and political. You speak of the political questions in very general terms. After agreement comes between us, there will remain detailed questions, military and political, that will need the very thorough discussion of the Vietnamese parties. When all these are settled, then a ceasefire.

As to the other questions, on some we have agreed in principle. On others we need further discussion, but we feel they present no difficulty.

As you propose, I consider the two sides will reexamine the records. I agree with you. Today you have put to me a great deal of specific questions. Next time I would like to hear your views. But today you have not yet said anything. Next time I expect you will speak more concretely, more comprehensively all questions, and we will be prepared to discuss with you.

Dr. Kissinger: You said more comprehensively, not more comprehensibly!

Mr. Special Adviser, Mr. Minister, among the issues left unresolved is who will be the Vietnamese parties that will negotiate.

Le Duc Tho: We will discuss next time.

Dr. Kissinger: Yes, but this is one of the questions that must be discussed. There is no need to answer now.

Le Duc Tho: We have clarified on the two elaborating points.

Dr. Kissinger: It would be much easier if the existing Saigon regime were one of the parties. Many things would be much easier for us.

Le Duc Tho: What are your views on the conditions we have put forward, such as the resignation of Thieu and the change of policy?

Dr. Kissinger: The change of policy is easier as a result of negotiations than as a precondition of negotiations. Similarly for the resigna-

tion of Thieu. He after all has said publicly he will resign if a settlement is reached. But it is another thing to say before you talk about a settlement that he must resign.

Another problem is the timing of a ceasefire. At this moment we are not the primary victim of military operations. So it is not to our unilateral advantage to stop military operations. On the contrary, all the advice we get is that it is a unilateral advantage to you. My view is that the timing of a ceasefire—at what stage it occurs—is something you ought at least to consider again.

My final point: Mr. Special Adviser, you sometimes think on the political point that we are more devious than we are. You give us too much credit. But it may also be possibly partly due to the fact that Vietnamese conditions are not all that easy to understand. Therefore I recommend that both sides come to the next meeting with concrete proposals, and not just we. We will see whether we can come up with some concrete political ideas.

Le Duc Tho: Regarding ceasefire, we still maintain we should come to agreement on all questions and it should be signed, and then a ceasefire should take place, not unilateral but all parties. We disagree on that.

Dr. Kissinger: I understand. In principle, if we could come to a rapid settlement of the other issues it would become an academic point.

Le Duc Tho: Quite right. And you should go rapidly to the resolution of other questions.

Dr. Kissinger: Really, Mr. Special Adviser, we are not all that concerned about a ceasefire. So don't overestimate its utility as a bargaining instrument.

Le Duc Tho: [Pause] It is up to you.

Dr. Kissinger: There are a number of practical problems. First, when should we meet again?

Le Duc Tho: It is up to you to fix a date.

Dr. Kissinger: How about August first? Is that too long?

Le Duc Tho: All right.

Dr. Kissinger: 10:00 o'clock.

Le Duc Tho: Right.

Dr. Kissinger: Here?

[They nod yes.]

Le Duc Tho: I expect next time you will bring with you more complete, comprehensive, clearer questions.

Dr. Kissinger: I don't think it's my questions he objects to. It's my answers he objects to. [Laughter]

Le Duc Tho: Quite right.

Dr. Kissinger: Could we do it July 31st if August first isn't possible? I will let you know by Friday. It will almost certainly be August first. I will let you know by Saturday.

You are quite right. I will come up with more concrete proposals. I can't guarantee you will approve them. Can I expect you will do the same, based on our general discussion?

Le Duc Tho: We will study your ideas carefully.

Dr. Kissinger: Will you come up with any ideas of your own?

Le Duc Tho: If you read our statement, both should come here with goodwill and a positive attitude.

Dr. Kissinger: But it is difficult for us if you are always the critics. In other words, don't be shy.

Le Duc Tho: Both sides will present proposals.

Dr. Kissinger: Once before, private proposals were followed by public proposals. May I assume that until you hear from us there will be no public proposals?

Xuan Thuy: At the beginning you said we were using public channels for mobilizing public opinion, and the same with the private, we were not using them for real negotiation. This is not true. We come to the Kléber sessions with a desire to settle the Vietnam question, and the sooner the better. And the Kléber sessions began before we had these private sessions.

And since we met the first time in 1969, we have agreed that side by side there would be two forums. These two forums exist side by side and assist one another. You ask whether what we are saying here will be made public. I will say that what we are saying here is this channel's work.

And the Special Adviser has expressed our side's point of view very clearly, very exhaustively, and we have made comments on your remarks. But I am very pleased that today your questions have been more detailed than previously, and you have shown a more positive attitude, and these more detailed questions have been answered. And I want to say that all the proposals made here can be discussed. You say we want to discuss our proposals and not yours. This is not true. We want all proposals to be discussed, to find a solution.

I agree, next time we will go into details.

Dr. Kissinger: Can I get an answer to my question? Since Mme. Binh is not in this room. Once before you proposed Nine Points in the private sessions, and then a few days later Seven Points publicly. I want to know whether at any time there will be public proposals. I can tell you that we will make proposals to you here. We will not make public propaganda.

Xuan Thuy: Now we should review history a little. Because at that time Mme. Nguyen Thi Binh asked me to convey a message to you to meet you so she could pass on proposals to you.

Dr. Kissinger: That was before she knew my reputation. I didn't want to ruin her reputation!

Xuan Thuy: Since we agreed not to disclose the content of these private meetings, what is said here will not be divulged.

Dr. Kissinger: Look, if either your side or the Provisional Revolutionary Government makes a public proposal while these talks are going on, we have no choice but to construe it as public pressure on us. We will not accept this.

Xuan Thuy: What instructions have you given Ambassador Porter to discuss in the next few days?

Dr. Kissinger: I will tell you. Since I don't think we can get progress unless we do it in this channel, there is no point in confusing everybody with the public forum. I have told Ambassador Porter to just continue discussing our May 8 proposal.

[They laugh loudly.]

Le Duc Tho: If that is what Ambassador Porter will do, then Minister Xuan Thuy will have nothing to do but repeat his old position.

Dr. Kissinger: I don't want to be confronted by you with a new public proposal that was not raised here first. Or by Mme. Binh.

Xuan Thuy: Does it mean that Ambassador Porter will continue to speak of the May 8 proposal and Mme. Binh should continue to speak of the Seven Points and the two elaborating points?

Dr. Kissinger: Right. For at least the next two sessions. And if we make progress here, then Ambassador Porter and the plenary sessions could go into the details of whatever progress has been made. As soon as progress has been made here, we are prepared to move rapidly to the details. If we make progress in these private meetings, we are prepared for Ambassador Porter to meet with you in restricted meetings on details, as well as the plenaries. We can decide that later.

Porter will be instructed to repeat old ground but to use conciliatory speeches and not to embarrass you or to put questions that put you in a corner. [Laughter] I know this is too much to ask of Mme. Binh. [Laughter]

Le Duc Tho: So you are right, and next time at this forum we shall discuss how to conduct the negotiations. This is to go into questions of substance here and at the public meetings just continue.

Dr. Kissinger: Yes. Now I have two practical things. Next time I will try to bring a Vietnamese-speaking interpreter here, to ease your burden. Engel, if I can find him. [They nod OK.]

Secondly, would it be acceptable to you to have a secretary here to take shorthand notes? It's basically up to us. It's a girl. I know Mr. Special Adviser and the Minister are immune, but I don't want to upset your colleagues.

Tho and Thuy: All right.

Dr. Kissinger: And sometimes could I perhaps bring Ambassador Porter to sit in here so he can understand better what we are doing?

Xuan Thuy: We can decide that sometime. You should know that since he came to Paris, his attitude has been quite different from his predecessors. His attitude does not create favorable conditions for us to enter into substantive negotiations.

Dr. Kissinger: When I am here he will behave himself.

Xuan Thuy: Xuan Thuy has negotiated with Harriman, Lodge and Bruce, but even the American press has said Porter has . . .

Dr. Kissinger: We can have another meeting without him. If we make some progress, it will be helpful to have him here because he will be handling much of the detail. We can decide that later.

We want to be correct with you. We will make no comment about the substance of these meetings. If there is any speculation in the press, it will not have come from us directly or indirectly. We will tell no one, except the President, of course. If we are asked about other meetings, we will say, "Further meetings will be announced as they are held," that is neither yes nor no. And we propose that on the day of other meetings we make the same announcement at 10:00 o'clock that we made today.

Le Duc Tho: Do you propose that we should have an announcement for each meeting? Or that we decide at each meeting?

Dr. Kissinger: I think I am watched so much now that we should just announce it as it occurs. We will make no announcement in advance and nothing about substance. If the occasion should require that we meet especially urgently and secretly, we could meet in, say, Switzerland, and do it separately.

Le Duc Tho: I propose we should decide at each meeting.

Dr. Kissinger: The practical difficulty for me is that since my secret trips, the press have a rotation. They call my office every two hours when they think I am out of town. Then they ask our press office. It is very difficult for us to lie, and then be found out. Especially in an election year.

But we would announce it only while we are meeting, not beforehand.

Le Duc Tho: Like today.

Dr. Kissinger: Just as today—and with exactly the same language. In fact, the best would be if you and we did it jointly.

Xuan Thuy: Now if we are asked what is discussed, we should agree on an answer.

Dr. Kissinger: The answer we will give is "By mutual agreement, we will not discuss the content of these private discussions." If they ask me, "Are you optimistic or pessimistic?" I will say "No comment." [They laugh]

We will never vary it. The only thing I can think of is, if they ask how long it was we can say six hours, rather six and a half hours.

Xuan Thuy: All right. If they ask in what place?

Dr. Kissinger: "In Paris, at our usual meeting place." We shouldn't mention it, or we'll have television outside. [Laughter] His publicity bent is such that I don't trust ourselves.

Le Duc Tho: What publicity?

Dr. Kissinger: No, I appreciate the Special Adviser's restraint on this trip.

Le Duc Tho: In the plenaries, we will just expound our point of view.

Dr. Kissinger: That's the problem. That's what you always do! This was our longest session.

Le Duc Tho: Our longest session, but not so much result.

Xuan Thuy: You put to him a lot of questions on political questions and he has answered you. And you should match up your questions and your answers.

Dr. Kissinger: Both sides.

Then we will see you August first or maybe July 31. We will be in touch Saturday.

16. Memorandum of Conversation¹

Paris, August 1, 1972, 9:57 a.m.–6:04 p.m.

PARTICIPANTS

Le Duc Tho, Special Adviser to the North Vietnamese Delegation at the Paris Peace Talks

Xuan Thuy, Minister and Head of North Vietnamese Delegation to the Paris Peace Talks

Phan Hien, Member of North Vietnamese Delegation to Paris Peace Talks

Nguyen Dinh Phuong, Interpreter

Two Notetakers

Henry A. Kissinger, Assistant to the President for National Security Affairs

Winston Lord, NSC Staff Member

John D. Negroponte, NSC Staff Member

Peter W. Rodman, NSC Staff Member

David A. Engel, NSC Staff Member, interpreter

Miss Julianne L. Pineau, notetaker

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 864, For the President's Files (Winston Lord)—China/Vietnam Negotiations, Sensitive, Camp David Memcons, May–October 1972 [4 of 5]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at the North Vietnamese Residence at 11 Rue Darthé, Choisy-le-Roi. All brackets are in the original. The tabs are attached but not printed.

On August 3, Kissinger analyzed the August 1 meeting for Nixon, noting that it "was the longest private meeting ever, and the most interesting session we have ever had." However, he observed: "The significance of our meeting remains to be clarified, and we cannot be sure of its meaning at this stage."

Regarding what the North Vietnamese had offered, his analysis continued:

"—Their proposal injects a number of new elements hitherto lacking in their position, as I have enumerated above. They no longer seek Thieu's resignation as a precondition for PRG/GVN talks, although his resignation would be part of a final settlement. They have sought to identify areas of similarity in our respective positions and proposed a multiplicity of negotiating forums for resolving differences between us and between the Vietnamese parties themselves.

"—On the other hand, they seem to be insisting on our acceptance of the *principle* of a three segment Government of National Concord as the key to progress on other issues.

"Two possible interpretations of Hanoi's tactics suggest themselves at this stage:

"—The *first* is that all the new elements in their proposal are essentially ornamental and that no real progress is possible until we accept their National Concord principle which would in effect predetermine the political outcome in Saigon. If this interpretation is correct, they are essentially holding to a hard line but establishing a record which would appear more flexible in the event of a breakdown in the talks.

"—The *second* is that the variety of new elements advanced are designed to veil real movement toward a dual track approach where we settle the military issues with them and the Vietnamese sort out their political differences themselves. The explicit suggestion of negotiating forums between the Vietnamese themselves could be interpreted to support this thesis. If this hypothesis proves correct, what Hanoi would expect from us is a rejection of the National Concord concept but nonetheless a vague political counterproposal which would not prejudge the political outcome. Under this approach we would provide them a face-saving formulation whereby they could claim military and political issues were being resolved concurrently, although in fact the military issues

(Footnote continues on next page)

[There were welcoming handshakes and smiles. The greeting seemed perhaps somewhat less warm than at the previous meeting.]

Dr. Kissinger: [Introducing his staff members individually]: If you don't agree when we bring our prettiest secretary, there's no hope. [They laugh.] We've done everything.

[The group then sat down at the table.]

Dr. Kissinger: One technical problem, Mr. Special Adviser. We are planning to make the same announcement today at the same time as last time, simply stating that I am meeting with you today and returning to Washington tonight. We had agreed on that last time, but we will say nothing else.

Xuan Thuy: If we draw the experience we have got last time, I wonder whether we should do as we did the last time.

would be solved first and the political negotiations would be more prolonged and more of a Vietnamese responsibility."

Kissinger's last point to the President was: "*Our two main objectives are:*

"—(1) to see whether a reasonable settlement is possible by probing their positions on key issues such as Government of National Concord, the timing of a ceasefire, and de facto separation of political and military issues; and

"—(2) in any event, to keep the private negotiating process going into the fall, to give them a chance to settle as the certainty of your re-election looms ever larger, and to further bolster our negotiating record." (*Foreign Relations, 1969–1976*, vol. VIII, Vietnam, January–October 1972, Document 225)

Le Duc Tho's August 1 report on the meeting to Hanoi noted: "This time Kissinger presented a twelve-point proposal and agreed to discuss both military and political issues with us. With regard to the political issue, this proposal is softer than was their earlier eight-point proposal. Their desire to reach a settlement is clearer. However, although the Americans have pulled back and made concessions on a number of points, they still are holding on to their high card." (Message from Le Duc Tho and Xuan Thuy to Nguyen Duy Trinh, 1 August 1972, in Doan Duc, et al., compilers, *Major Events: The Diplomatic Struggle and International Activities during the Resistance War Against the Americans to Save the Nation, 1954–1975*, volume 4, p. 330)

Ten days later, the Politburo sent Le Duc Tho and his subordinate Xuan Thuy the following analysis and instructions:

"The Politburo has the following thoughts about the contents of the 1 August 1972 private meeting:

"—The American Scheme:

"The U.S. wants to achieve a ceasefire, the withdrawal of most of the U.S.'s troops, and the return of most of the American POWs before the U.S. elections, but they still want to be able to keep the puppets in power and they do not yet want a resolution of the political problem in South Vietnam. The U.S. has proposed a ceasefire in place but demands the withdrawal of North Vietnamese troops from South Vietnam, and it views the Provisional Revolutionary Government as merely a local government that falls under the framework of the Saigon regime.

"Therefore, on the political problem in South Vietnam the U.S. position is still directly opposed to our position.

"—Our Policy:

"Intensify our struggle on all three fronts—military, political, and diplomatic—to try to reach a settlement by the end of 1972.

"We will demonstrate a good faith effort to reach a settlement with Nixon, but at the same time we will oppose his scheme to make it past the elections." (*Ibid.*, pp. 331–332)

Dr. Kissinger: What happened last time?

Xuan Thuy: We made the announcement last time in order to avoid speculation. But we realized that after the announcement there had been a great deal of speculation, and thereafter it was at a press conference President Nixon said that we had put forward, or had raised, many military questions and political questions. Therefore, I think that perhaps we should decide that question after the meeting.

Dr. Kissinger: Well, we have two problems. First of all, it isn't true that the President said we have put forward many military and political questions. Secondly, the President made no reference at all to the private meetings. He said he would not discuss them. It is true there is a great deal of speculation, but there will be speculation no matter whether we announce it or not. The speculation will begin the minute my absence is discovered.

Le Duc Tho: Last time, in order to show our good will, we agreed with Mr. Adviser that there should be announcement. But after the announcement was made there had been a great deal of speculation and most of the speculation was not correct. And after that at his press conference President Nixon referred to the private meetings and referred to the raising of military questions and political questions. President Nixon also referred to the question of troop withdrawal, the question of cease-fire, the question of release of prisoners of war. Therefore, your promise not to refer to the contents of the private meetings and not to refer to any private meetings is not kept. And that is why we think an announcement is not advantageous. I agree with Minister Xuan Thuy that after we achieve results, then we shall consider the announcement. This is due to you and not to us.

Dr. Kissinger: Well, Mr. Minister, Mr. Special Adviser, I should have thought that sometimes we can keep to an agreement without raising frivolous objections. You know very well that since our last meeting we have made no reference whatever to our private meetings. You know very well that the President, whenever he has a press conference, is asked about Vietnam and it is obvious that he expresses his views just as the Minister expresses his views when he emerges from Avenue Kleber. And just as the spokesman of your Foreign Ministry expresses his views, even on our elections, from Hanoi. The President specifically said that he would not talk about the details of the negotiations. And he certainly made no reference whatever to the private negotiations, except to the fact that they were going on, which had already been announced. But I will not argue with you. Because I will tell you what our procedure will be, and then if you do not want to continue the discussion that is your privilege.

We have two choices. We can either make a joint announcement which is the correct thing to do, or if my absence is discovered, which

it certainly will be, we will confirm without a formal announcement that I am in Paris meeting with you, and nothing else will be discussed, but we will not make a formal announcement. I told you last time that the press checks my office now every day whether I am there, and it is no longer possible for me simply to disappear.

So this is the practical problem. We will take even more care after this meeting than after the last one not to refer to the content of the private talks, but we did not refer to them the last time either. I did not say anything and no one else knows anything.

Le Duc Tho: Regarding the private meetings, there were many occasions in the past that you revealed or divulged about the private meetings. As to us, we always show our good will and serious intent and we never refer to the private meetings. The last time we agreed with you to make an announcement, but after that you referred to the private meetings, and therefore this time we don't agree to make such an announcement. But as to you, when asked you can make any confirmation you like, and we will do the same, but we will not agree with you to make an announcement and we will never refer to the contents.

Dr. Kissinger: Mr. Minister, Mr. Special Adviser, we agree that we should not refer to the contents of the private meetings, so there is no dispute here. We agree to this.

And as for the form in which it is made known, it is a matter of indifference to me. I . . . it would be helpful to the trust between us if for once we could stick to something we agreed upon and agreed upon last time, without raising what I consider frivolous objections. But what we will do if we are asked is to simply confirm that today I am meeting with you and not make it as a formal announcement. So if Mr. Ziegler is asked at his regular press briefing whether I am meeting with you he will say yes, I am meeting with you in Paris.

Xuan Thuy: I would like to point out that we always show our good will and we keep our promises. But on your side, you are not keeping your promise and you are not serious, and that is the reason why we raise this question now. If not we would have . . .

Dr. Kissinger: Well, Mr. Special Adviser and Mr. Minister, I will just not listen anymore to these constant accusations that we are not serious and we do not keep our promise, and you are serious and you keep your promise. It isn't true and I will just not listen to it anymore.

[Thuy laughs. Tho smiles.]

Le Duc Tho: If you don't want to listen to this it is up to you, but a fact is a fact.

Xuan Thuy: Let me read a sentence of a statement made by President Nixon. "We had private meetings roughly one week ago lasting about six hours. At this meeting we had put forward appropriate

proposals regarding the troop withdrawal, the cease-fire, and a political settlement." So you referred to the contents of the meeting. And that would be to your advantage because [it looks as if] you put forward a political solution and our side has not put anything forward. And as a matter of fact, we have nothing put forward by you regarding a political solution.

Dr. Kissinger: All right, here is what he said, here is the correct text [reads from transcript of President's press conference of July 27]: "I will add one other thing." This is in the whole context of the negotiation. "As far as the negotiations are concerned, we are negotiating. We have negotiated in public. We have had one private conference a week ago, lasting approximately six hours. We hope to continue to negotiate." This refers to all the negotiations. "We have made fair offers on withdrawal, on a cease-fire, on political settlement. We have not made them on a take-it-or-leave-it basis. We have made fair offers on exchange of prisoners of war and unaccounted missing in action."

This did not refer to the private meetings; this referred to the whole negotiating record. All of this has been done in public and all of this referred to our public positions. As you know very well, we didn't make a proposal on a political settlement last time. The political settlement referred to our January 25 proposal; the others referred to our May 8 proposal. The other thing he said was what we agreed upon; we agreed that we could say there was a meeting and we agreed that we could say how long it lasted, and we never said anything else. So you are misquoting the President. He referred entirely to the public record, and that is all we are going to refer to as long as these negotiations last.

Le Duc Tho: I still remember that last time Mr. Adviser agreed with us not to refer to anything regarding the private meeting, even if you were asked whether you were optimistic or pessimistic, you would not express your views on that. But now the President is referring to the private meetings, how long they lasted and the content. So the public opinion is confused and you should not refer to the private meetings. As for us, we ourselves and our spokesmen never referred to the private meetings with any American or the public.

Dr. Kissinger: Now, Mr. Special Adviser, when I tell you something and you just repeat what you said before, there is absolutely no hope for these negotiations. I have just told you that all the President referred to is what we agreed to; he mentioned the fact that there has been one private conference and how long it took. He did not refer to the proposals at that specific conference. Your spokesmen day after day refer to what proposals you have made.

Le Duc Tho: We refer to our public proposal, but never to the private meetings.

Dr. Kissinger: That is exactly what we did. In fact in the next question, which you have conveniently forgotten, the President said,

"I think any of you here will agree that I . . ." He was asked about what proposals we had made. He said, "That is a good question, but it is one that I think any of you here would agree I should not comment upon for the reason that the negotiations are now under way. . . . I will only say that we are negotiating with the desire of ending this war as soon as possible. The fastest way to end the war and the best way to end it is through negotiation." And you must have read innumerable press comments that I have refused to say anything, not whether we are optimistic or pessimistic.

But I am not really interested in debating with you. Last time we agreed to say that further meetings will be announced as they are happening. Now if you want to break that agreement, that is your privilege; we on our part will confirm that the meeting is taking place. We will not say anything else. And if we cannot keep an agreement for two meetings, how can we keep an agreement on something more complicated? I don't consider your objections serious; you know very well we have said nothing about the private meetings.

Le Duc Tho: We have always kept our promise; we have never referred to the private meetings. But after the last meeting you have made such a statement. So we repeat again that we always show our good will and we keep our promise. So it is up to you to make an announcement, and the same for us. But we will not speak about the contents of this. But in our view, we think that when we have achieved good results, then the announcement would be made. It would be better doing it this way. We would avoid speculation by public opinion by doing so.

Dr. Kissinger: There is no way now to avoid speculation. The Special Adviser has made me too famous. [Laughter] So I would suggest the following: I understand the Special Adviser's point with respect to referring to private meetings. We undertake that, except for the fact of confirming these meetings, we will make no further reference to private meetings at all. Secondly, we will not refer to the content of any private meeting. But we have no way of avoiding today confirming the existence of these meetings, and the easiest way of doing it is to follow precisely the procedure of last time, of simply stating one sentence and refusing any further comment. This will produce the minimum of speculation and this is what we have been prepared to do. But we promise, and I understand the Special Adviser's point, we will make no further reference to this meeting in the interval between this meeting, and should there be another private meeting. [They nod.] Now is that agreeable? [They nod.]

Le Duc Tho: Yes.

Dr. Kissinger: All right, so then we proceed as we agreed?

Le Duc Tho: As to the confirmation, it is up to you to do that, but we shall not announce it.

Dr. Kissinger: But you will confirm it? If you are asked?

Le Duc Tho: If we are asked about that, we shall consider.

Dr. Kissinger: Shall consider?

Le Duc Tho: How to answer.

Dr. Kissinger: What choices do you have? Just for me . . . I don't have that complicated a mind.

Le Duc Tho: We will not make any comment.

Dr. Kissinger: But that's ridiculous. You have to confirm that the meeting took place.

Le Duc Tho: Because if we confirm then we refer to the past agreement, but since after the last meeting you have made such deeds therefore we will not make any comment. We have nothing more to add.

Dr. Kissinger: I must insist on two things. I will not tolerate another comment about alleged deeds we have made. I would rather break up this meeting than listen to any more charges of bad faith.

Le Duc Tho: We do not denounce anything of yours, but because you have done as you did last time therefore we have to raise the problem. And there have been many occasions you violated the agreement and we did not do that.

Dr. Kissinger: Let's not speak about what agreements were violated by whom, because we will be here all day discussing the past.

Le Duc Tho: If you agree to that then we would agree too.

Dr. Kissinger: If we agree to what?

Le Duc Tho: If you agree we should not discuss this question, then we agree.

Dr. Kissinger: Not to discuss the past?

Le Duc Tho: If you agree no longer to discuss the past, I will agree with you.

Dr. Kissinger: In that case I will miss some of the Special Adviser's best speeches. [Laughter]

Le Duc Tho: There are good things in the past, and there are good things in the present too.

Dr. Kissinger: Well, Mr. Special Adviser and Mr. Minister, I have come here with the intention of ending the war rapidly. I had thought we could spend most of our time today with the two sides discussing the new proposals they had promised they would make today. Here we are spending our time arguing about the implementation of a very simple agreement that was not broken by us, where at best there was a slight misunderstanding, which I have told you how we would deal with in the future.

Le Duc Tho: And you should not make us misunderstand. If we have misunderstood you you should not make us misunderstand.

Xuan Thuy: Now let us go into the substance.

Dr. Kissinger: No wait a minute, I have to . . . The Minister can hardly wait to attack me. [Laughter] If he will curb his aggressive impulses for five minutes, I must get this settled before you accuse me again of breaking an agreement.

Xuan Thuy: But I must make a denial. I have not denounced you.

Dr. Kissinger: Well, you have denounced the President, which is the same thing.

Xuan Thuy: I have not denounced you.

Dr. Kissinger: Mr. Minister, Mr. Special Adviser, I have told you that we have not knowingly acted against the agreement. I am telling you now that we will not refer to private meetings except in the announcement that we will make today. That is all that can be done today. So what we will be forced to do—since all our preparations today are made—is to confirm today as we did last time that I am meeting with you today and that I expect to return to Washington tonight. This is all we will say; this is the only reference we will make to private meetings and there will be no other references to private meetings even in official statements.

Le Duc Tho: Up to you. If you want to confirm the meeting it is up to you, but we will not refer to the private meeting.

Dr. Kissinger: Well, then let me make a second point. If you refuse to say anything when you are asked, the only result will be to attract public speculation to the difference in procedure between this time and the last time.

Le Duc Tho: Because of the circumstances, we will say that we will make no comment. But if you confirm there is a meeting, then the public will understand.

Dr. Kissinger: Well, Mr. Special Adviser and Mr. Minister, all I want to tell you is this. We can either talk seriously here and make real progress—and I must say I thought you came here to negotiate seriously from our last meeting—or else we can use, or you can use, these meetings to excite public opinion. I will tell you now as I told you last time, if you use these meetings or the others in order to excite our public opinion, it will lead to the end of these negotiations. If you want a referendum in the United States on Vietnam in our election, we are prepared for that and you will have to pay for the consequences. So you have two choices, either to negotiate seriously with us or to make propaganda. You cannot do both.

Le Duc Tho: You affirm that we are making propaganda and publicity, but it is you who has been engaged in doing this more than us. When President Nixon made such a statement, he was doing propaganda and publicity. As for us, we did no such thing. We would not want

anything to excite public opinion during the election period because the election of the United States is the internal affair of the U.S. and we would not want to interfere in it. We are consistently of good will and serious in finding a solution to the problem. The rest is up to you. The statement I made the last time has shown to you our good will and serious intent to find a solution to the problem.

Dr. Kissinger: Your statement last time affirmed your good will and serious intent. You have not yet shown it.

Le Duc Tho: To confirm our good will and serious intent I invite you to read again my statement of last time. As to evidence of this good will and serious intent, let us go into our discussion and we will see. In fact we want to achieve practical results and we do not want to indulge in publicity and propaganda. Since we met the last time you should have realized that we have been very serious.

Dr. Kissinger: I have no complaint about our meeting last time—which is more than you have ever granted me. [Laughter] I think the spirit of your statement was constructive. Our attitude is constructive. We would like to see whether we can achieve an agreement rapidly.

So let us leave this futile debate for this moment. We will make the statement at 10:00 today that we made last time. We will say nothing else. At the end of today's meeting we will decide what shall be said in the future and we will abide by that agreement. If these negotiations succeed, it won't make any difference what was said in the interval. If these negotiations fail, it won't do any . . . publicity won't be able to hide that fact. So let us concentrate on substance. It is up to you what you say when we make our statement, but the less mystery you create the better it will be. I have every confidence that the Special Adviser and the Minister will find the right words to avoid any discrepancy between the facts and what may be said.

Le Duc Tho: We will say that we will make no comment. And I think this is good, because we will not complicate the facts while we are meeting here. So you have achieved your objective.

Dr. Kissinger: Unless our press then believes that I have gone to Outer Mongolia to see whether I can achieve their good offices to end the Vietnam war. [Laughter]

Xuan Thuy: So I think that we should now give up the discussions of the announcement and go into the substance.

Dr. Kissinger: Yes, but we now have to tell Colonel Guay what we will do. Just a minute. May Colonel Guay come in? [Mr. Lord goes out to call Colonel Guay. Dr. Kissinger gets up.] I must say, Mr. Special Adviser and Mr. Minister, if we ever come to an agreement in principle I can hardly wait to draft an agreement with you. I think 10 years is about the minimum it will take. [laughter]

Mr. Lord [returning]: Can someone open the gate?

Dr. Kissinger: Are you keeping us prisoner here? [Laughter]

Le Duc Tho: With good will, we will settle in a couple of days!

Dr. Kissinger: We will be released side-by-side with withdrawals!

But my question is, will you separate point one from point two?

Xuan Thuy: Point one and point two should be linked to each other. If there is no point two there will be no point one!

[Colonel Guay entered at 10:55 a.m., and Dr. Kissinger went outside to instruct him on what to convey to General Haig. In the meantime Negroponte and Engel chatted with the other side in Vietnamese. Tho and Thuy complimented Engel on his Vietnamese. Dr. Kissinger returned and the meeting resumed at 10:58 a.m.]

Dr. Kissinger: We are making great progress today. Usually it takes us five hours to produce a stalemate. Today we have done it in one.

Xuan Thuy: The last time Mr. Adviser said that we should set up an agenda, then we should set out our fundamental objectives and set the timing and a concrete schedule. Probably we would expect you to express yourself on the subject, so that we will discuss.

Dr. Kissinger: Well, Mr. Special Adviser and Mr. Minister, I told you last time as a general procedural point, we cannot have a procedure where we make all the proposals and you do all the discussing. And I thought we had set up a procedure last time where we would both make proposals. Did I understand that correctly?

Xuan Thuy: It is correct that we agreed the last time that both sides should make proposals. But you had not finished your ideas last time, so please now finish it and be more concrete.

Dr. Kissinger: Mr. Special Adviser, Mr. Minister, I finished my ideas last time, what I had to say. I had the impression they were not totally satisfactory to you, but that does not make them unfinished. In fact, since I spoke first last time I should ask you to speak first this time.

Xuan Thuy: The last time you spoke about the timing and the concrete schedule, but you have not yet said more. So please finish.

Dr. Kissinger: To show my good will and my serious intent I will speak first.

Le Duc Tho: You have promised that.

Dr. Kissinger: I will make a rather lengthy statement which includes a specific proposal.

Le Duc Tho: The longer the better. The more concrete the better. Because when you speak at length then you express many of your views.

Dr. Kissinger: I always express my views. But when I express my views the Special Adviser has always found them wanting. It is only

my overwhelming ego that keeps me from getting a sense of inadequacy when I meet with the Special Adviser and the Minister.

Le Duc Tho: But I think we are equal here. You put questions to us and we put questions to you.

Dr. Kissinger: But I don't comment on your answers as stringently as you comment on mine. [Laughter] Let me proceed then.

Mr. Special Adviser, Mr. Minister—

When we adjourned on July 19 we agreed that both sides would study the record and formulate new concrete proposals. We agreed as well at that meeting that we should both make an effort to find a solution, meet each other part way, and put our proposals side-by-side, with the attitude of finding a solution.

We approach this session in this spirit. We have closely reviewed your remarks at our last meeting, as well as all your earlier statements and proposals. The President has authorized me to introduce a concrete new plan. I look forward to hearing the new proposals you have promised. We can then compare the two sides' positions with a view to reconciling them.

The time has come to replace rhetoric with reasonableness, to move from debating points and propaganda to a joint search for a settlement. Two weeks ago, the Special Adviser said that in negotiations "you cannot win everything you put forward, as we cannot with everything we put forward." If that approach can be translated into action, here, we can rapidly reach a settlement. It will be our approach.

As I said last time, I am here to meet in a spirit of conciliation and good will, prepared to forego unilateral demands, ready to look understandingly at your point of view. If you choose to negotiate in the same spirit you will find us both forthcoming and reliable. The Special Adviser asked last time whether you could be sure that we will keep the agreements that we may make. I want to tell you as solemnly as I am able that you can. We will maintain every agreement we make with you, not only in letter but also in spirit. We will abide by the consequences of whatever process we jointly start here.

Furthermore, we are prepared to give the same guarantee to your allies as to you. We are willing to link our important relations in Moscow and Peking to our good faith in Indochina. You would thus have as guarantee not only our word to you but the force of American interest in its global diplomacy. Let me explain, incidentally; we have not discussed this with your allies.

[Some apparent confusion on the North Vietnamese side.]

Do you understand? Let me explain in uncomplicated language. If you do not believe our word to you, we are prepared to give the same promises to your allies or any other country you trust. Therefore

if we break our promise to you we will also be breaking our promise to them. It is an assurance to you; we do not insist on it. We have not discussed it with your allies. No other country has seen this text. This is a promise to you. It is up to you.

In addition, we are prepared to enter into specific understandings with you on how to interpret certain aspects of an agreement. These, too, will be meticulously observed and can be, if you wish, conveyed to your allies.

Xuan Thuy: Who would communicate?

Dr. Kissinger: We can agree on that. We can do it jointly. Jointly would be best. Or you can do it unilaterally. We don't need it; we know we will keep our promise. We are prepared to look at other guarantees.

Now then, to our proposals. We have looked once again at everything you have said, especially regarding the political question. We agree, we are prepared, to recognize that military and political issues should be solved together. We have made a serious effort to bridge our differences. For this is the basic barrier to a settlement. We have, as well, added new elements to meet specific points you have raised on other issues. As a demonstration of our good will, we have accepted the basic structure of your Two-Point Elaboration and the Seven-Point Proposal. To speed agreement, we have even adopted much of your language.

The interpreter looks much more relaxed!

Now I shall read the plan, and then I shall explain what it means. You will be pleased to know it has twelve points, Mr. Minister.

Xuan Thuy: In the past, you made a five-point proposal. Now you add seven new ones.

Le Duc Tho: So in numbers you have made progress!

Dr. Kissinger: [begins reading]:

"Point One, regarding the withdrawal of U.S. and other foreign forces allied with the Government of South Vietnam:

"There will be a total withdrawal from South Vietnam of all U.S. troops, military advisers and military personnel and those of other forces allied with the Government of South Vietnam within four months of the signature of this general agreement. Weapons and war materials belonging to those forces will also be withdrawn and bases under U.S. control will be dismantled."

We will give you a text when we are finished.

[He resumes reading.]

"Two, there will be a general cease-fire throughout Indochina, to begin when this general agreement is signed. The cease-fire will include cessation of United States acts of force against North Vietnam, the

mining of North Vietnamese ports and harbors, and an end to all U.S. air and other military activities in South Vietnam. As part of the cease-fire, there will be no further infiltration of outside forces into any of the countries of Indochina, and the introduction into Indochina of reinforcements in the form of arms, munitions and other war material will be prohibited. It is understood, however, that war material, arms and munitions which have been destroyed, damaged, worn out or used up after the cessation of hostilities may be replaced on the basis of piece-for-piece of the same type and with similar characteristics.

"Three, the release of all military men and innocent civilians captured throughout Indochina will be carried out in parallel with the troop withdrawals mentioned in Point 1. Both sides will present a complete list of military men and innocent civilians held throughout Indochina on the day this general agreement is signed. The release will begin on the same day as troop withdrawals and will be completed when they are completed.

"Fourth, regarding the political problem in South Vietnam:

"The political future of South Vietnam will be left for the South Vietnamese people to decide for themselves, free from outside interference.

"For its part, the United States declares that it respects the South Vietnamese people's right to self-determination; it will remain completely neutral with respect to the political process in South Vietnam; it will abide by the outcome of any political process shaped by the South Vietnamese people themselves; and it is prepared to define its military and economic assistance relationship with any government that exists in South Vietnam.

"There will be a free and democratic Presidential election in South Vietnam no later than six months from the date of final agreement on the details of a political solution. The election may be held earlier if that is agreed among the parties. This election will be organized and run by an independent body representing all political forces in South Vietnam which will assume its responsibilities on the date of final agreement on the details of a political solution. This body will, among other responsibilities, determine the qualification of candidates. All political forces in South Vietnam can participate in the election and present candidates. There will be international supervision of this election.

"Before the Presidential election takes place, the incumbent President and Vice President of South Vietnam will resign. The Chairman of the Senate, as caretaker head of the government, will assume administrative responsibilities except for those pertaining to the election, which will remain with the independent election body.

"The right of all political forces to participate freely and peacefully in every aspect of the political process will be guaranteed. In addition to the Presidential election, all political forces will be eligible for appointment or election to positions in the executive, legislative and judicial branches of government.

"In keeping with the provisions of Article 14(C) of the 1954 Geneva Accords the Vietnamese parties will undertake to refrain from any reprisals or discrimination against persons or organizations on account of their activities during the hostilities and to guarantee democratic liberties.

"Five, after the new President has been elected, the political forces in South Vietnam will meet with a view to revising the Constitution within one year and agreeing on steps to implement it. [The North Vietnamese take notes busily.]

"Point Six: The details of a political solution based on the principles of Points 4 and 5 above will be negotiated between the South Vietnamese parties within three months of the signature of this general agreement."

[The North Vietnamese ask for Point Six to be repeated. Dr. Kissinger rereads it. The North Vietnamese confer.]

Dr. Kissinger: There is a dispute on the North Vietnamese delegation!

Xuan Thuy: Only for clarification.

Dr. Kissinger: I can tell you, when I get a dispute going between the Minister and the Special Adviser then we will get a settlement. [They laugh.] But I don't think it will happen before the American election.

[Resumes reading:]

"Point Seven: Regarding the peaceful reunification of Vietnam: Reunification of Vietnam will be achieved step by step by peaceful means on the basis of discussions and agreements between North and South Vietnam without constraint and annexation from either party, and without foreign interference."

This text should be somewhat familiar to you.

[He resumes reading.]

"Pending reunification, and in keeping with the provisions of the 1954 Geneva Agreements on Vietnam, North and South Vietnam will refrain from joining any military alliance with foreign countries, and from allowing any foreign country to have military bases, troops and military personnel on their soil.

"Pending reunification, North and South Vietnam will develop and maintain close relations in all fields.

"Eight, regarding the foreign policy of peace and neutrality of Indochina:

"The countries of Indochina shall pursue a foreign policy of peace, independence and neutrality, establish relations with all countries regardless of their political and social regime, maintain economic and cultural relations with all countries, and participate in programs of regional economic cooperation.

"Nine, both sides will respect the 1954 Geneva Agreements on Indochina and those of 1962 on Laos. There will be no foreign intervention in the Indochinese countries and the Indochinese peoples will be left to settle their own affairs by themselves.

"Ten, the problems existing among the Indochinese countries will be settled by the Indochinese parties on the basis of mutual respect for independence, sovereignty, territorial integrity and non-interference in each other's affairs. Among the problems that will be settled is the implementation of the principle that all armed forces of the countries of Indochina must remain within their national frontiers.

"Eleven, there will be international supervision of the military aspects of this agreement, including the cease-fire and its provisions, the release of prisoners of war and innocent civilians, the withdrawal of outside forces from Indochina, and the implementation of the principle that all armed forces of the countries of Indochina must remain within their national frontiers.

"Twelve, there will be an international guarantee for the fundamental national rights of the Indochinese peoples, the status of all the countries of Indochina, and lasting peace in the region.

"Both sides express their willingness to participate in an international conference for this and other appropriate purposes."

Now let me explain what we mean by this plan. Let us look seriously and in good faith at what we have done. We have cast our plan in terms of the Seven-Point Plan and Two-Point Elaboration. We have accepted the basic principles of your proposals, although there are differences with regard to timing and procedure. Let me go through these proposals, point by point.

With respect to Point One, on the military questions:

—Your side has asked for the complete withdrawal of allied forces and their equipment and the dismantling of U.S. bases. We have agreed that we will do this.

—You have asked for an early deadline. We have shortened the timetable for complete withdrawal of our forces to four months. Were we to agree by September 1st, the last American soldier will have left South Vietnam by the end of this year.

With respect to Point Two, on the political questions: You will notice that we have accepted many of its principles and that we have agreed to consider it together with the military questions.

First, on the overall process. Your position as expressed in the Seven Points and the Two-Point Elaboration is that the present government must change and then the new government should develop a new constitutional structure. We accept this general outline as to procedure, and also the two-stage approach it represents. We have made a conscientious effort to leave the decisions to the South Vietnamese people. We solemnly declare that we will abide by the results of the process we are proposing. The only thing we will not do is to prescribe that outcome in Paris. We will not insist on a particular government; but we will not impose it either.

More specifically:

—You have asked that we respect South Vietnamese self-determination and that the political process be free of American interference. We have agreed to this in our readiness to make a series of commitments about the political future of South Vietnam once an agreement is signed.

—We have proposed elections to choose a new President. And we have specified that this election be organized and run by an independ-

ent electoral commission made up of all political forces and that it be internationally supervised.

—You have asked that President Thieu resign. He has agreed to do so and we have reason to believe that the deadline for his resignation prior to new elections is flexible.

—You have asked that democratic liberties be guaranteed. We have agreed to your specific point that democratic liberties, as defined in the 1954 Geneva Accords, be assured in South Vietnam. In addition, we have proposed that all forces be eligible for election or appointment to all branches of government and that they participate in every aspect of the political process freely and securely.

—You have asked that a new government of South Vietnam bring about a new constitution. We have agreed that after the new elections the political forces in South Vietnam should meet to revise the Constitution within one year and agree on steps to implement it.

—In addition to the merit of these proposals individually, you will no doubt consider the impact of the publication of this agreement and principles on the political process and on the expectations of the people of South Vietnam.

We have thus addressed every aspect of your political proposals. We have agreed to your basic approach and many of its details. There are some remaining differences to which I will turn in a minute.

With respect to the other points in the [PRG] Seven-Point proposal: We have met every one in substance, and in many instances we have incorporated the specific language.

—Point Three, the disposition of Vietnamese armed forces, is subsumed under our Point Ten.

—Point Four, the reunification of Vietnam and the relations between North and South, is covered by our Point Seven.

—Point Five is covered by our Point Eight.

—Point Six on reparations we cannot accept, but we maintain our position of last summer regarding our willingness to consider a reconstruction program for all of Indochina.

Our other points (nine, ten, and eleven) represent areas of essential agreement last summer when they were based on your nine points.

Finally, we have met your concern that the intent of these proposals could be defeated through delaying tactics in the implementing process by placing a three-month time limit on the negotiation to work out the details of the political process. This time limit would enable us to help guarantee that the intent of these proposals is carried out because our withdrawals would not be completed until a month after these negotiations are completed also. At the same time we could not affect

the political process with our forces since they would have left at least five months *before* the elections.

[The North Vietnamese ask him to repeat.]

This time limit would enable us to guarantee that the intent of these proposals is carried out because our withdrawals would not be completed until a month after the details are agreed to. I will explain this when I speak about understandings. At the same time we could not affect the political process with our forces since they would have left at least five months before the elections.

Let me explain. We agree on these principles; after these principles, it will take three months to work out the details of the process; it will take four months to withdraw all our forces. Our forces will be withdrawn one month after the details are worked out. The elections will be six months after the details are worked out, or five months after the forces are withdrawn. But the elections can be earlier.

Let me point out the new elements in our plan as compared to our January 27th and our May 8th proposals:

[Withdrawals] The deadline for total withdrawal of all U.S. and allied forces from South Vietnam is reduced to four months, instead of the six months in our Eight-Point proposal. Assuming the final details of a political settlement are worked out within three months of the general agreement and a new election held six months later, all U.S. and allied forces would be out of South Vietnam *five months* before the elections. This contrasts with our January 25th plan where U.S. withdrawals would be completed by the date of the election.

Prisoners. Unlike the President's May 8th proposal, prisoner release would take place after the cessation of acts of force and mining against the DRV rather than making these conditional upon completion of prisoner release.

Political Issues. Our political proposals offer major new elements expressly designed to meet concerns that you have expressed in your message of May 18 and at our last meeting.

First, we have reaffirmed that President Thieu and Vice President Huong will resign before the holding of presidential elections. Our new plan deliberately does not specify the time limit. We are prepared to have an understanding with you that we will support an extension of the period beyond the one month provided in our proposal of January 25.

[The North Vietnamese confer.]

Second, the election will take place several months after the last American soldier has left Vietnam, in contrast to our earlier plans.

Third, we have specified that in addition to the Presidential election, all political forces would be eligible for appointment or election

to positions in all branches of government—executive, legislative and judicial. No political force will be excluded from participation in any part of the political process, at any level.

Fourth, we have added an explicit statement about guarantees on the rights of all political forces to participate freely and peacefully in the political process. This clause meets your concern that forces aligned with your side, and others opposed to the present Saigon Administration, might be hindered or prevented from political activities.

Fifth, in response to your direct request at our last meeting, we have included a specific reference to Article 14(c) of the Geneva Accord and the guarantee of democratic liberties.

Finally, we have added the provision that after a new President has been elected, the political forces in South Vietnam will meet in order to revise the Constitution within one year and agree to implement it. This accepts the outline of this aspect of your side's second point elaboration. Thus, your side will not only have the chance for power in the Presidential election; they will also have the opportunity to negotiate with the new government on revisions of the Constitution. The political process, in other words, is extended beyond one office or one event.

These would be formal agreements which we would be prepared to sign. The Special Adviser last time mentioned unsigned agreements as well. I am not sure to what he was referring. But we would be prepared to reach and observe certain private understandings in addition to formal agreements.

First, we would be prepared to use our influence, all our influence, with the Government of South Vietnam to implement the details of this agreement.

Second, as I have indicated, we have reason to believe that President Thieu—as his personal contribution to a guaranteed and lasting peace—might consider the deadline for his resignation negotiable. We envisage, for example, that he might agree to a two-month rather than one-month interval before new elections. In any event, we will support such an understanding with him and Vice President Huong. Let me remind you that last summer you said that President Thieu's resignation was the only real requirement for a settlement, after which all other problems could be solved easily. If this was a serious proposal, the opportunity now exists.

Le Duc Tho: We proposed the immediate resignation, and now you advance it two months.

Dr. Kissinger: No, you proposed we reach a private understanding.

Mr. Special Adviser, there will undoubtedly be minor provisions that you will not agree with. Could you defer your comments until the end? [They nod yes.]

Third, in conjunction with an overall agreement, we are willing to make certain understandings with regard to the future levels of U.S. military and economic aid to South Vietnam.

Fourth, as I have pointed out, we will be prepared to reaffirm privately to your major allies every agreement and understanding we make with you. Thus if we were to violate any agreements, we would be breaking faith not only with you but also with countries whose relations are very important to us.

Fifth, we are prepared to listen seriously to any proposals you may wish to make with regard to further understandings.

Our proposals are a deliberate, conscientious attempt to give the people of South Vietnam an opportunity to shape their own future. We have structured them within the framework your side has put forward. But we have refused to impose a particular solution. We cannot so weaken the political forces opposed to the NLF that the resulting political process will be a sham. We will cooperate honestly in constructing a truly free political process. We will not participate in a thinly veiled subterfuge for imposing one particular solution.

I tell you solemnly that we will carry out these agreements without any afterthought to undo its unfolding. We are prepared to live with its consequences. We have proposed a plan that irrevocably removes the American military presence, stops the conflict and the suffering, and lays out a concrete political process to give the people of South Vietnam a free choice, and a deadline to achieve it. This plan would be guaranteed by our agreement with you; by our commitment to your major allies; by other international forces; and by the geopolitical realities of the 1970s.

The need on both sides for a peaceful resolution has never been clearer. Recent events have demonstrated that no one can “win everything” on the other fronts of this conflict either. We have no wish to impose a military solution and no illusion that it could be purchased cheaply. We have no intention of inflicting needless destruction. We do not want to humiliate you. We consider your independence an essential element of long-term Southeast Asian policy. We are ready to take risks to terminate the fighting now, end our involvement, and set the stage for political competition among the Vietnamese alone.

We have made our basic decision to settle this conflict if you will meet us part way.

You have a similar decision to make. You can join us now in a serious effort to reach a negotiated settlement that takes account of both sides’ concerns. This requires concrete proposals and movement from *both* sides, and a willingness to leave some matters to a political evolution.

Your other choice would be to wait upon events, listening to what we have to say without budging from your essential positions. You would thus be hoping for one of two things to happen: Either we accept all of your demands, which will not happen, or a new President is elected in November who will accept all of your demands.

The waiting course would be a serious mistake. You should not be misled by temporary Congressional votes—as you know, they do not address political questions at all.

As for looking towards our elections. You will make your own judgment about the prospects of the opposition. I will not discuss our domestic politics with you. It is clear, however, that if our election turns into a national referendum on Vietnam, you will be gambling for high stakes. This Administration's position can only be greatly bolstered by such an outcome.

Over recent years, you often have decided to wait, and the objective result has been a worsening of your overall position. Even if the opposition were to win, could they really execute what they now promise as candidates, or if they attempt it will it make a decisive difference by January 20, 1973? Over time, the South Vietnamese government and military posture will continue to grow stronger, and our influence on any settlement will decrease.

You have often accused us of missing opportunities. But you too have often waited too long. The basic mistake in the summer of 1971 was not this or that agreement, but your basic decision to start the negotiations much too late to influence the election. By July 1971 when we first talked seriously it was much too late. Do not make that same mistake again.

I therefore hope you will give serious consideration to what has been presented. It is not presented on a take-it-or-leave-it basis; we are prepared to hear counterproposals. We have, however, included just about every element that we think can contribute to a fair and open political process for all forces. The only thing we have not done is to guarantee your side's victory in advance.

I welcome your comments. And I look forward to hearing your own concrete proposals.

Mr. Special Adviser, Mr. Minister, at our last meeting you spoke eloquently about US-Vietnamese cooperation at Viet Bac at the end of World War II and about the prospect of a "new page" in our relations at the end of this war. We share these sentiments. I want to repeat again today that the United States has no greater goal than to end this conflict in a manner that will respect the interests of all parties and will heal the wounds that have been inflicted. Our two countries do not present any long term threat to one another. There is every reason to rekindle the cooperation that existed at the end of a previous war.

So let us now end this war. Let us both devote our energies today, and in the coming weeks, to find a just settlement that will allow us to turn a new page in relations between our two countries and our two peoples. That is our attitude.

[He hands over U.S. Twelve-Point proposal at Tab A.]

At least we have not been idle.

Xuan Thuy: We have been talking rather lengthily. I propose a little break. We have followed your views with great attention. After the break we will express our views.

[At 12:28 p.m., the meeting broke up. Tho and Thuy went upstairs to confer privately. The U.S. side and the remaining North Vietnamese moved to the next room for snacks (*cha gio*, fruit, and cookies) and light conversation. The snacks were more lavish and the *cha gio* somewhat thicker than the previous meeting! The break lasted until 1:45 p.m., when Tho and Thuy came downstairs, and the group moved to the conference table again.]

Dr. Kissinger: You have an excellent chef, Mr. Minister. My colleagues and I appreciate it.

Xuan Thuy: Has everyone here had Vietnamese food before? [Most on U.S. side nod yes.]

Dr. Kissinger: I have one technical problem. We will tell our driver to come back at 3:00. We'll be here at least until then. I'm prepared to stay longer. But it will be at least another hour. The Special Adviser has a rather lengthy speech to make. [laughter]

Have you had any time off, Mr. Minister?

Xuan Thuy: We have not had our vacation.

After listening to your views Mr. Le Duc Tho now will express ours.

Dr. Kissinger: Can we wait one minute for Mr. Lord?

Xuan Thuy: You have two-day weekends every week?

Dr. Kissinger: No.

Xuan Thuy: But you have a full Sunday rest?

Dr. Kissinger: No, I usually work part of Sunday. I do it at home often.

Le Duc Tho: Now after listening to your presentation I would like to make some preliminary remarks, I hope we shall have an opportunity to return to your presentation later again.

Dr. Kissinger: Yes.

Le Duc Tho: After listening to you, we realized that we have agreed to some principles already. But there is one very essential, very crucial question, that is the political question of South Vietnam, on which we have not yet come to agreement, particularly regarding the question of the Saigon Administration. Regarding the political question you

have said something further in connection with Article 14(c) of the Geneva Agreement regarding the democratic liberties. Before expressing my views, I would like to ask you a few questions for clarifications and mainly on the political questions.

Besides the elections is it true that you said you have spoken about the participation of the National Liberation Front and the Provisional Revolutionary Government in the executive machinery, the juridical machinery and the legislative machinery? Do you mean by that that the PRG can take part in the caretaker government? And the last time you said that you have no objection to the formation of the three-segment government of national concord. What is your view on this question? This is my question.

Dr. Kissinger: I have said that the NLF cannot be barred—should not be barred from any position because of its political beliefs and that therefore it is not excluded that members of the NLF can receive some administrative appointments. And certainly after the election, that will be not too difficult. As for the government of national concord, if at the end of a process such as we have described the Vietnamese parties among themselves agree to set up such a government, we will not oppose it. What we will not do is to insist on our part that it must be the only outcome. So for a year or two. . . . So if after some time, say a year or two after a settlement, this should be a consequence, we are willing to make an understanding with you that we will not interfere.

Le Duc Tho: I have another question. There is still a difference between our views with respect to the timing of the cease-fire. Am I right to understand you like this, that between you and us, after we reach an agreement on the military questions and the political questions, but regarding the political questions we will agree on the main ideas as I have just described, then we should proceed to the cease-fire, and as to the details of the political question it will be referred to the Vietnamese to settle the details? Is that true?

As to the position, our point of view, we advocate that after the settlement of both military and political questions, after the signing of agreement on these questions, both in principle and in detail, then we proceed to the cease-fire. And when the cease-fire comes into force then all the agreements of the political questions would be put into practice.

Dr. Kissinger: The Special Adviser has correctly explained the difference between our positions, but we have tried to bridge the difference between our positions in two ways. By setting a three-month deadline on the negotiations, so that the other parties would not have an opportunity to protract them indefinitely, and by promising a private understanding that we would use our influence to bring those negotiations among the Vietnamese parties to a positive conclusion.

Le Duc Tho: I have only these two questions.

Now let me express my views. First of all I would like to return to the question of bombing of North Vietnam and mining of North Vietnamese seaports. Of late the bombings have been stepped up to very great violence. Moreover President Nixon has said, made a statement, on the bombing. Therefore, I feel I should express some views on that score. After that I shall present to you the overall solution of the Vietnam problem, of the political problems of Vietnam, to you, a political settlement of the Vietnam problem, in a constructive spirit.

At the last private meetings on July 19 I emphasized that if the United States wanted to show good will and serious intent in order to bring these negotiations to a fruitful result, then the U.S. should stop bombing and mining of North Vietnam. These are actions in violation of the October 1968 engagement of the United States. But since the last private meetings with you, the United States has stepped up with great violence its bombardment throughout North Vietnam, particularly the bombing against the dikes and heavily populated areas. U.S. aircraft have stepped up attacks on Hanoi and Haiphong, killing a great number of civilians. And of late President Nixon affirmed that the bombings are not aimed at the civilian population. And on July 27, too, President Nixon compared North Vietnam to Hitlerite Germany and slandered that North Vietnam was making aggression in South Vietnam and was making a policy of massacre of the civilian population in order to impose a communist government in South Vietnam. Therefore, [the President said] the U.S. has to bombard North Vietnam in order to defend the 17 million South Vietnamese just like the United States attacked the Germany of Hitler, and if the United States failed to do so it would be the greatest immorality.

These words and deeds of the U.S. side show that the United States still wants to pursue a most cruel war of aggression against our country, and this is in fact the greatest immorality. You thought that we were weakened now and could not cope with your military pressure, and that is the reason why you have stepped up your attacks, to force us to accept your terms. Your assessment of the situation is, it is something up to you to do. But in the course of our resistance war, and over the past four years of negotiations, we have repeatedly stated that your bombs and shells cannot subdue our people. You have been overconfident in the power of a bomb and shells. Therefore, you have wrongly assessed the situation, the consequences of which are known to you. But in the present circumstances once again you wrongly assess the situation.

Many American personalities, many American journalists, including your own friends, visited our country . . .

Dr. Kissinger: Who's that?

Le Duc Tho: Many of your friends.

Dr. Kissinger: Jane Fonda? No, I know who you mean.

Le Duc Tho: And they admitted that in spite of certain sacrifices and losses, you have had, they cannot deny the cohesion and determination of our people in the struggle against U.S. aggression. But Jane Fonda is an American.

Dr. Kissinger: She's prettier than Joseph Kraft.

Le Duc Tho: It is up to you to assess that. I have not met her so I cannot evaluate her beauty.

The United States can use all its might to destroy our country in one afternoon, as President Nixon said. But there is one thing that the United States can never do—that is to smash the determination of our people. Therefore, if you fail to show good will in finding a fair solution to the Vietnam problem and instead if you continue the bombing and the blockade of North Vietnam and the fierce military activities in South Vietnam, this will only increase the hatred and the determination of every Vietnamese in fighting against U.S. aggression to secure their national fundamental right. And if so, the war cannot be ended and more obstacles will be created to these negotiations.

And while you are indulging in so furious a bombardment, you said that if we took advantage of these negotiations to influence the elections in the United States you would halt these negotiations until after the elections. It is obvious then that when you are threatening us and you give yourself the right to take actions at will to freely bombard our country, to freely take advantage of these negotiations for the purposes of election campaigns, and on the other hand you want to tie down our hands, that will not do.

In our view, in order to bring about good results to these negotiations and to rapidly end the war, both sides should create a propitious atmosphere for the talks. You should not indulge in maneuvers and threats; instead you should show good faith and mutual trust, as you said the last time. At the same time, you should put an immediate end to the bombardment of North Vietnam and blockades of North Vietnamese ports. You should respect your October 1968 engagement. If you continue the bombing of North Vietnamese cities, densely populated areas, irrigation facilities, dikes and dams, to bring about floods in Vietnam, then we will not be able to continue to sit with you and talk with you as we are doing now. We shall have to reconsider the continuation of this forum of private meetings and you will be entirely responsible for this.

As for us, as I have said, we are consistently of good will and seriously desiring to find a fair and reasonable solution to the Vietnam problem, beneficial to both sides.

Now let me speak about our political solution to the Vietnam problem.

We have carefully studied the views you expressed at the last private meeting. Today I would like to state that we take note of certain basic principles that you raised at the last private meeting on July 19.

First, you said that the United States can coexist with Hanoi. Once the war is over, the U.S. has every interest in an independent, autonomous, and prosperous Vietnam.

Second, the U.S. genuinely wants to negotiate a solution which respects the independence of Vietnam and which meets the reasonable concerns of Vietnam.

Third, there is no incentive for the United States to maintain troops, bases and political predominance in Vietnam. The U.S. does not seek an excuse to return to Vietnam. You said the United States has no difficulty in accepting a very strict definition of nonintervention in the political life of South Vietnam. The U.S. is not tied up with any particular politicians or any particular political orientation in South Vietnam. The U.S. does not require a pro-American government in South Vietnam.

Fourth, the U.S. is interested in the political independence and neutrality of the Southeast Asian region and not in any bases or alliances with the United States. The United States has no intention to keep military personnel and bases in Indochina once the war is over.

Fifth, the U.S. will respect not only the spirit but also the letter, not only the formulas but also every nuance of the agreements that will be reached.

Sixth, if the problem is to be resolved, both sides must create mutual confidence and show good faith.

These basic principles are consonant with the views expressed on this subject by our side on July 19, 1972. We do wish that the United States will respect and fully implement these basic principles. Then we shall have an appropriate basis for the finding of a satisfactory solution to the discussion and settlement of the Vietnam problem.

But what is the question crucial to the implementation of these basic principles? If we don't find a solution to this crucial question then a settlement to the Vietnam problem cannot be found. Besides the total withdrawal of U.S. forces and those of the other foreign countries in the U.S. camp out of Vietnam, then the crucial question is that South Vietnam should absolutely have an administration that really insures the independence, neutrality and democracy of South Vietnam. At the same time, such an administration would insure the restoration of lasting peace in Vietnam and contribute an important part to the preservation of peace, independence and neutrality in Indochina and in Southeast Asia.

So far, you wanted to separate the military question from the political question, but today you have agreed to link the settlement of

the military question and the political question. We take note of this statement. But in the political field there still is a very basic question, that is, the political system of South Vietnam. According to you, the political questions of South Vietnam should be settled in this way: You want to let political events of South Vietnam take their natural evolution and you affirm you respect the South Vietnamese people's right to self-determination. But in fact you want to maintain in power the U.S.-puppet administration in South Vietnam, and you are unwilling to accept the formation of a three-segment government of national concord in South Vietnam. We are of the view that the United States is responsible for the present political situation of South Vietnam. This is something undeniable. Because over the past 20 years the United States has been forming, nurturing, an administration in South Vietnam completely controlled by the United States. And that is why the U.S. should now discuss together with us and settle the question of consequences of the political situation in a reasonable and logical way in order to insure lasting peace in South Vietnam.

It is incorrect, in fact, to say that you wanted to let the political situation of South Vietnam take its natural evolution. Because over the past 20 years, through the experience we have seen, there was no moment that the political situation of South Vietnam could take its natural evolution. For in accordance with your statement to let the political situation in South Vietnam take its natural evolution, then the situation will develop in accordance with your Vietnamization program. This is something unacceptable. That is why the United States should together with us resolve the political consequences the United States has caused in South Vietnam.

We have many times pointed out that the maintenance of the Saigon administration under U.S. orders prevents the cessation of the war, prevents the end of U.S. involvement. It cannot end the U.S. involvement in the internal affairs of South Vietnam. It cannot insure independence and democracy in South Vietnam. And when you are still maintaining the Saigon administration, how can you say that you don't require a pro-American government in Saigon? How can you say that you are prepared to respect an independent Vietnam, and how can you put in practice the basic principles I have just mentioned?

Only when the genuinely democratic tri-segment government of national concord is formed, then the politically really progressive and democratic development of South Vietnam may be ensured. The people of South Vietnam who have fought for scores of years demand not only the total withdrawal of U.S. forces from South Vietnam and those of other foreign countries of the U.S. camp from South Vietnam, but they also require a political system really democratic and progressive in South Vietnam. And only in this way can we have genuine peace

and independence in South Vietnam. Therefore, in our view, in order to find a peaceful settlement to the problem, this question is the crucial one.

The political solution you have just presented today—we feel that there is no difference between this new proposal and the proposal on the political question in your former Eight-Point proposal. Therefore, due to this way of appraising the problem, we feel that the United States and us, we should settle all the military questions and political questions before we proceed to a cease-fire. As for you, you hold that you and we, we shall make steps in the settlement of the military questions and the political questions, particularly to make only one step in the settlement of the military question and then proceed to a cease-fire, and the second step in the settlement of the Vietnam problem will be left to the Vietnamese parties.

Although you have proposed a certain limit for the settlement between the Vietnamese, but after the cease-fire there is a possibility that the settlement will drag on. And when the settlement drags on and no solution is found, then there is a possibility of the resumption of hostilities. Therefore, our approach is the one aimed at achieving real peace, independence and democracy, and durable peace, independence, and democracy in South Vietnam. Not only peace in Vietnam but also peace throughout Southeast Asia. As to your approach, as I have just said, it may present the possibility of the resumption of the war, and, if so, it is not at all beneficial to both sides. Therefore, in our negotiations between you and us regarding the timing of the cease-fire there still remains great difference.

If you are really desiring to settle the problem we are prepared to do so with you and to find with you the means and full guarantees for the implementation of the basic principles I have just recalled here. In this spirit today I would like to present in a comprehensive way an overall solution to the Vietnam problem. I am making a new initiative, in order to bring these talks to good results.

First, I would like to speak about the military questions. You have agreed with us now that the United States would completely withdraw from South Vietnam all U.S. troops and those of other foreign countries in the U.S. camp in South Vietnam, without leaving behind any advisers, any military personnel or other foreigners, and the United States will dismantle all military bases in South Vietnam.

Regarding the timing, the period, for the total withdrawal of U.S. troops and troops of other foreign countries in the U.S. camp, we have examined your proposal to withdraw completely all U.S. forces within four months after the agreement is reached. Now we don't ask for a terminal date for the total withdrawal of the U.S. forces and those of other foreign countries. But we move that the U.S. troop withdrawal

should be completed within one month after the signing of the final agreement. Now there are only about 30,000 American troops left. From now until we reach agreement then you will continue to withdraw your forces, and when we reach agreement when there is a cease-fire then there will be very few left.

Dr. Kissinger: Your colleague, the Minister, relapses every once in a while and asks for a date. [laughs] At the last plenary session. That's just to confuse poor Ambassador Porter. [laughter] No, I understand you.

Le Duc Tho: So our proposal in comparing it with the past is now flexible.

Dr. Kissinger: I understand.

Le Duc Tho: And if you withdraw your forces in one month, then a number of captured military men will be released very quickly. If you adopt the four-month period for withdrawing, then the release of prisoners will be prolonged.

Dr. Kissinger: Do I understand that the Special Adviser is saying the prisoners will be released side by side with the withdrawal?

Le Duc Tho: I am coming to that. Therefore, the release of captured military men and civilians on both sides captured in Vietnam will be carried out side by side with the withdrawal and will be completed on the same day as mentioned for the troop withdrawal. So our proposal in this connection is more positive than yours, although there is a difference in the number of months for withdrawal.

Dr. Kissinger: No, I understand. The concept is the same. That means the Minister can't make his joke anymore about a free meal tomorrow. [laughter]

Le Duc Tho: Last time you also mentioned, expressed the desire to end all U.S. involvement in Vietnam and not to return again to Vietnam.

Dr. Kissinger: Right.

Le Duc Tho: Therefore, the United States should make a solemn pledge that after the cessation of military activities in the two zones of Vietnam and after the withdrawal of U.S. forces as agreed, the United States would refrain from introducing again U.S. forces and other foreign troops to Vietnam again, refrain from interfering in the internal affairs of Vietnam, and refrain from using military bases no matter where they are, far from Vietnam or close to Vietnam, including the Seventh Fleet in the South China Sea, to carry out hostile actions against the Vietnamese peoples in the two zones.

If you agree to the views I have just expressed, then we shall go into the discussion of the modalities of the withdrawal of troops and the modalities for the release of captured military men and civilians.

Regarding your military aid to the Saigon administration, immediately after the coming into force of the cease-fire this military aid should

end. Only in doing so can we really put an end to the U.S. involvement in South Vietnam, and at the same time can we reduce the tension between the two opponent forces. Last time when I expressed my views, probably you have not really understood me. The last time when I said that after the overall settlement of all the questions, including both military questions and political questions, then a cease-fire will take place. And when the negotiations are still going on, and when the cease-fire has not come into force, then the U.S. will have the right to give military aid to the Saigon administration. But after the cease-fire, in our envisaging, we feel that there will be another administration; then the U.S. should cease this military aid.

I have expressed my views on the military question; now let me speak about the political questions.

I think this is the hardest question, on which we should concentrate our effort to discuss and to come to a good settlement. Regarding the political situation and regarding the reason why a government, a provisional three-segment government of national concord should be formed, as well as regarding the political character of this government of national concord, the last time I have explained to you and I have just explained this time today. I will not repeat the reasons again. Let me now go into more concrete details as follows:

The provisional government of national concord will include the three following segments: The segment belonging to the Provisional Revolutionary Government of the Republic of South Vietnam will be designated by the Provisional Revolutionary Government. The segment belonging to the Saigon administration will be designated by the Saigon administration without Nguyen Van Thieu. Now the third segment is composed of persons of various political and religious tendencies in South Vietnam including those who have to live in exile abroad for political reasons, belonging neither to the PRG nor to the Saigon administration. These people stand for a peaceful, independent, neutral and democratic South Vietnam that is neither socialist like North Vietnam nor a neocolony of the United States, but these people stand for a progressive democratic regime in South Vietnam. They stand for South Vietnam pursuing a foreign policy of peace, independence, and neutrality. This segment will be proposed in common agreement by the PRG and the Saigon administration. These three segments are equal in right to each other and are in the same proportions.

The provisional three-segment government of national concord will carry out the tasks of the period from the restoration of peace to the holding of general elections in South Vietnam. This government will have full power in dealing with domestic affairs as well as in dealing with foreign affairs. Its tasks are:

—first, to implement the agreement signed by the parties.

—second, to realize a peaceful, independent, neutral and democratic South Vietnam.

Now I speak of the internal tasks of this government. First, this government should:

—insure the democratic liberties, particularly the provisions of Article 14(c) of the 1954 Geneva Agreements on Vietnam;

—to realize national concord;

—to organize free and democratic general elections in South Vietnam;

—to elect a constituent national assembly and to form a definitive government;

—to take care of the stabilization of the people's life after the war.

As to the general elections, the parties will agree on the timing, the date, of the holding of general elections.

Externally this government will pursue a foreign policy of peace, independence, and neutrality as has been described in the Seven-Point solution. Such a three-segment government of national concord is conforming to the real political situation of South Vietnam and responds to the aspirations of the South Vietnamese people. And such a government, parenthetically, is even qualified by the French government as a reasonable proposal.

Dr. Kissinger: The French government having proved its knowledge of Vietnamese affairs through 150 years. [laughter]

Xuan Thuy: They have realized the real situation.

Dr. Kissinger: As long as it doesn't cost them anything they are very good at giving advice.

Xuan Thuy: They gave their views as a bystander and they have got their own experience too.

Dr. Kissinger: The Argentine government agrees with us. [laughter] All right, I understand.

Le Duc Tho: So this demand reflects the just demands of the South Vietnamese people in accordance with the real situation. We can demand no less.

The aforesaid is the principles and the main contents of the political solution of the South Vietnam problem. If at this forum you and we come to an agreement on the principles and the main contents I have just mentioned, then a new forum will be opened between the PRG and the Saigon administration. This is very important.

Dr. Kissinger: A new forum between the PRG and the Saigon administration with Thieu or without Thieu?

Le Duc Tho: I shall come to that later. At this new forum I have just mentioned, the PRG and the Saigon administration will:

—First, they will discuss and implement the principles and the main contents of the political questions that we have agreed at this channel.

—They will continue the discussion and the resolution of specific questions regarding the organization, the composition, the procedure of work of the provisional three-segment government of national concord.

—They will settle the question of Vietnamese armed forces in South Vietnam in a spirit of national concord, equality and mutual respect without foreign interference, in accordance with the post-war situation and with a view toward lessening the contributions [sacrifices] of the people.

This above-mentioned initiative of ours is a new effort of ours and an evidence of good will to realize a breakthrough to these negotiations. But the important thought is that Nguyen Van Thieu should resign and the present Saigon administration should change its present policy. If the United States still wants to maintain Nguyen Van Thieu and support the Saigon administration in carrying out a policy of terror and fascism against the people of South Vietnam, then the problem cannot be solved. At the present situation, in order to make this private-meeting channel progress in finding a solution to the Vietnam problem, in order to allow this channel to progress, we are prepared to show our flexibility and to agree with you that immediately after an agreement, after a settlement is reached, after the signing of an overall agreement, then Nguyen Van Thieu will resign—and not immediately. It is a great concession of ours because we no longer demand the immediate resignation of Nguyen Van Thieu.

Dr. Kissinger: I don't quite follow the concession; what's the concession?

Le Duc Tho: Previously we demanded the immediate resignation of Nguyen Van Thieu prior to the starting of talks between the PRG and the Saigon administration. And now we agree after the signing of an overall agreement, then Thieu will resign.

Dr. Kissinger: I just wanted to understand it correctly. After the overall agreement between you and us or after the agreement between everybody?

Le Duc Tho: After agreement is reached between the United States and the DRV on the principles and the main contents of the political questions, and then the PRG will start discussions with the Saigon administration to settle the specific aspects of these principles—in the meantime Thieu does not resign yet.

Dr. Kissinger: Okay. That is a concession.

Le Duc Tho: A great concession indeed.

Dr. Kissinger: I will do something you have never done; I will admit you have made a concession. [laughter]

Le Duc Tho: So after the agreement is reached between you and us, after the agreement and outcome of the talks between the PRG and the Saigon administration, Thieu will resign.

Dr. Kissinger: I understand.

Le Duc Tho: So this will create favorable conditions for the negotiations between the PRG and the Saigon administration, after the settlement, the results, have been achieved in this channel between you and us. But we demand one thing. We make concession on the timing of the resignation of Nguyen Van Thieu after the settlement. But we demand that the Saigon administration change its policy, namely to put in practice the democratic liberties, freedom of speech, freedom of organization, freedom of meeting, freedom of press, and they should put an end to all acts of terror, persecution, and reprisal, and that they free all people imprisoned for political reasons. Only in this way can they create propitious atmosphere for the negotiations and get results. Also it will create conditions for the materialization of national concord, to wipe out all hatred, to realize the reconciliation of the people of Vietnam.

In this way we have shown our good will and serious intent in solving the problem—it is evident. But as to comparing your proposal, you only make a small step.

The next time you should respond to our proposal. Now, besides these two military and political questions, a solution should be found to a series of other questions.

First, the question of reunification of Vietnam and the question of relationship between the two zones. I have nothing to add—the proposals we have made in our Nine and Seven Points are still valuable [valid] and in this case you have said also that you agreed to them. But on the question of timing for the reunification of Vietnam, we move that the Vietnamese parties will discuss on that question.

Dr. Kissinger: But when?

Le Duc Tho: The Vietnamese parties should discuss the timing of it. We don't propose any specific time. This will come up at the negotiation.

Now, regarding the healing of the wounds of war. I feel that the United States has a responsibility in this question of healing the wounds of war. You previously, Mr. Adviser, raised the question of aid to the whole of Indochina with a sum of \$7.5 billion. In our view this amount is no longer satisfactory. Because you have resumed the bombing against Vietnam, you have mined our ports, causing great losses to us. Now we propose \$8 billion for the two zones of Vietnam—\$4.5 billion for North Vietnam and \$3.5 billion for South Vietnam. This sum is not to be reimbursed. For you this sum is not considerable. You have spent

hundreds of billions of dollars in the Vietnam war; we have suffered great losses over the past decades—there are two wars of destruction waged by the United States against us. We had been building our country for 10 years when you launched the air war. We had no sooner rehabilitated when you resumed the bombing. Let alone the question of material losses, but the human losses are very great. No sum can redeem human lives. For you this sum is not great.

Five, we both sides have agreed on the principle that there will be international control and supervision as well as international guarantees. We shall go into discussions of the details about the composition of the body, the tasks and organization of the body.

Six, now regarding the cease-fire in Vietnam. After the agreement and the signing of the final agreement on all military and political questions in Vietnam, a standstill cease-fire will take place under international control and supervision.

Seventh, the 1954 Geneva Agreement on Indochina and those of 1962 on Laos should be respected. The people of each Indochinese country will settle themselves their own internal affairs without foreign interference. The problems existing among the Indochinese countries will be settled by the Indochinese parties on the basis of mutual respect for the independence, sovereignty, territorial integrity of each other and without interference in each other's internal affairs.

Regarding the question of prisoners of war throughout Indochina, regarding the question of cease-fire throughout Indochina, we are only competent to settle the question concerning Vietnam. As to the question concerning Cambodia and Laos, this will be settled by the competent parties of Cambodia and Laos. We cannot speak for them. However, we are of the view that the settlement of the Vietnam problem will create a favorable condition for the settlement of problems of your interest. As we have already said, the problems among the Indochinese countries should be settled by the Indochinese themselves. But we firmly believe after the solving of the Vietnam problem the problems in other countries can be easily settled. This is the overall solution I propose.

In reviewing the negotiations we have had here, I feel that we have come to agree with each other in principle on a number of questions, although the details still need further discussion. These are the questions on which we have agreed in principle:

First, the U.S. undertakes to withdraw completely all U.S. forces and those of the other countries in the U.S. camp from South Vietnam, to put an end to the U.S. involvement in Vietnam, and the U.S. undertakes not to return to Vietnam again.

Dr. Kissinger: I think he's had some coaching from Joseph Kraft.

Le Duc Tho: Actually, I told him that.

Dr. Kissinger: He didn't tell you?

Le Duc Tho: I am telling you of our demand that the United States should withdraw all U.S. . . .

Dr. Kissinger: I know, he told me.

Le Duc Tho: The reunification of Vietnam will be discussed and agreed upon by the two zones, North and South Vietnam, without coercion or annexation from either side, without foreign interference.

The second question we have agreed upon is to respect the basic principles of the 1954 Geneva Agreements on Laos, Cambodia and Vietnam, and the 1962 Geneva Agreements on Laos, to agree that South Vietnam, Laos and Cambodia will pursue a foreign policy of peace and neutrality.

Dr. Kissinger: And North Vietnam too.

Le Duc Tho: Last time I had spoken about North Vietnam. Here I would like to recall that our view is to have a foreign policy of neutrality for South Vietnam. As for Cambodia and Laos, I repeat that we stand for the respect of the Geneva Agreements on Cambodia and Laos. As to the statement made by Cambodia and Laos to pursue a foreign policy of neutrality, we approve that and respect that foreign policy. [Thirdly] we approve of a policy of a peaceful, independent, and neutral Southeast Asia.

Four, the two sides agree on the principle of standstill cease-fire including international control and supervision for South Vietnam.

Five, the two sides approved and agree to the principle that there will be respect and international guarantees of the Vietnamese people's fundamental national rights and independence, for the neutrality of South Vietnam and for the preservation of lasting peace in this region. These are the questions of principles on which we have agreed with each other.

Now a number of outstanding questions that we have not solved. We raise these questions for immediate discussion to come to an agreement. First, military questions:

—The question of period of time for the total withdrawal of U.S. forces and other foreign forces from South Vietnam. You propose four months: I propose one month.

—Second, the question of military aid to the Saigon administration.

—Third, the question of timing of the cease-fire.

They are three questions on the military field.

Second, regarding the political question of South Vietnam:

—First, the formation of a three-segment provisional government of national concord.

—Second, the question of resignation of Nguyen Van Thieu and the question of the change of policy by the Saigon administration.

—Now the third question on which we have not yet agreed is the United States' responsibility in the healing of the wounds of war in the two zones of Vietnam. In this regard there is the question of the amount contributed by the U.S., and the formalities.

These are the outstanding questions that need discussion.

As to the questions of principle I have just mentioned, we should go into detailed discussion. We have agreed in principle, but we have to go into the details.

Now, in a spirit of good will, in order to clear out the path for negotiation, I make now a flexible proposal on the conduct of negotiations taking into account the views of both sides. Now at this forum between the Democratic Republic of Vietnam and the United States will be discussed all the military questions, all the principles and main contents of the political questions, with the contents as I have just described to you in the above-mentioned part. We should discuss and settle the questions one by one. If in the course of discussions difficulties arise for one question, then we may shift the discussion to another question and then we return to the outstanding question later. The principles on which we have agreed upon, we should record them for the detailed discussions later. Secondly, after agreement is reached at this forum between the Democratic Republic of Vietnam and the United States on the military questions and on the principles and main contents of the political questions, the following forums will be opened:

A. The forum of bilateral private meetings between the Provisional Revolutionary Government of the Republic of South Vietnam and the Saigon administration, to discuss and implement the agreements on the military questions and the principles and main content of the political questions that this forum between the United States and the Democratic Republic of Vietnam has agreed upon. This forum will also discuss and settle in detail the political questions and the military questions of South Vietnam that the forum between the United States and the Democratic Republic of Vietnam has not yet settled, agreed upon. Now in order to create favorable conditions to bring this channel to fruitful results . . .

Dr. Kissinger: Which channel, the Special-Adviser channel?

Le Duc Tho: In order to bring the forum between the PRG and the Saigon administration to fruitful work, the Saigon administration should change its policy. In addition, there should be necessary changes in the delegation of the Saigon administration to the Paris conference so that it becomes more representative.

B. The forum of tripartite private meetings between the DRV, the PRG of the Republic of South Vietnam, and the Saigon administration

for the continued settlement of specific questions concerning the two zones of North and South Vietnam.

C. The four-party forum between the DRV, the PRG of the Republic of South Vietnam, the U.S. and the Saigon administration for the continued settlement of a number of specific questions concerning the four parties.

Now point three, in the course of negotiating, the Democratic Republic of Vietnam and the United States have the responsibility to settle together the hindrances and the difficulties arising among the parties. After the agreement in all the above-mentioned forums on the overall settlement, including military questions and political questions, an overall agreement will be signed. Besides the overall agreement there may be bilateral agreement or tripartite agreements. Immediately after the signing of the overall agreement the cease-fire will immediately come into force and the provisions of the agreement will come into force.

Among the forums of negotiation I have just mentioned, the forum between you and us is very important. Because only a settlement at this forum between you and us then we open the way for negotiation among other forums.

I have presented to you in a comprehensive way our overall proposal and a way to conduct negotiations, a very practical way. This shows our serious attitude and good will. And we will expect from you the same attitude of good will and serious intent. And as you say, there should be good faith and mutual trust to come to good results. So at this private meeting I have raised the question of principles and specific questions. We have shown good will, flexibility, and forthcom- ingness in both military questions and political questions. In the mili- tary questions we have shown flexibility in the question of timing. Regarding the political questions we have shown great flexibility.

Dr. Kissinger: Did the Minister agree to this timing or did he have to be forced?

Xuan Thuy: We have agreed between us!

Le Duc Tho: In the political field we have agreed that Nguyen Van Thieu will resign only after the solution but there should be a change of policy. And besides that we have proposed a good way to conduct negotiations and then to open a forum between the Saigon administra- tion and the PRG. And along with the contents of our proposal, this proposal on the forums removes the roadblock on negotiating to come to a settlement of the problem and rapidly to come to an end of the war, to peacefully settle the Vietnam problem in the interest of both sides for the Vietnamese people, for the American people and for peace in general.

I would like to repeat once again, in order to show your good will and a serious attitude, you should end the bombing of North Vietnam, the bombing against cities, densely populated areas, irrigational facilities that might cause floods and great losses to our people. The continuation of such actions will create obstacles to these negotiations. This is what I would like to repeat very seriously.

We expect that you will carefully study and seriously respond to our views with a positive and constructive attitude. We are prepared to listen to you and discuss your proposals. What you have said today we shall further study. But I should say that in the political questions you have not brought anything new. Next time I would like to hear from you the positive and constructive views of yours.

We can say that our demand in these political questions regarding the three-segment provisional government of national concord is very responsive to the real situation of South Vietnam, responding not only to the people of South Vietnam in general—but also the forces in opposition to the present Saigon administration are also demanding a government of national concord. So it does not mean that we want to impose a communist government on South Vietnam, which you keep on repeating, sir. How can such a government impose a communist government? So I wish that you will seriously respond to our views. But I should repeat that your proposal does not contain anything very encouraging. I hope next time you will come with more positive and more constructive proposals.

Xuan Thuy: So the view that Special Adviser Le Duc Tho has just expressed embodies comprehensive proposals in ten points. So you have two points more than our proposal. This is the Vietnamese text and the English translation, an unofficial translation. [He hands over the texts at Tabs B and C.]

Dr. Kissinger: All right.

Xuan Thuy: The ten points of the solution [Tab B] and the proposal of the way to conduct negotiations [Tab C].

Dr. Kissinger: Are you finished?

Le Duc Tho: I have finished.

Dr. Kissinger: Mr. Minister and Mr. Special Adviser, I will not follow your procedure of saying that you have not presented anything of significance. We believe that we have made a significant proposal, but we believe also that you have made a significant proposal. I am assuming that your proposal is not put forward as an ultimatum any more than our proposal is put forward as an ultimatum. We must, of course, study it with great care and then will make a serious effort to find ways of reconciling it with our proposal. And I am assuming you will make a serious effort to find means of reconciling the two proposals, because only on this basis will we come to a settlement.

For now, I would like to propose that I want to make a very brief comment on your initial statement, then with your agreement I would like to ask for a brief break. Then I would like to ask you for explanation of certain points that are not clear to me, so when the President studies it we can save time by my not having to come back to you. And then with your approval I propose that the meeting adjourn.

With respect to the first point, about the bombing and military activity. I understand why your official propaganda emphasizes so much the bombardment of the dikes. I think we both know that this is not our policy. We have no intention of producing floods in North Vietnam. And any bombing of dikes is accidental.

With respect to the bombing in general, it is . . . we are prepared, as I have pointed out to you last week, to agree to a ceasefire of a temporary nature to create the best atmosphere for these negotiations. Another possibility is that as we make progress in these negotiations and approach the possibility of a final settlement that we agree on a significant mutual reduction of military activity without a formal ceasefire. As we make progress in these negotiations we are prepared to show our good will.

As for the particular comments that may be made, it is of course very difficult, when there is an electoral campaign and one party attempts to make Vietnam an issue, to avoid statements that may be very strong. But we have noted what you have said and we will take it very seriously into account.

As for us, we will not use these negotiations for political purposes. We are meeting with you here because we seriously want to end the war as rapidly as possible. History will last much longer than this political campaign. And as the Special Adviser said last time, if we can end this war this will be our greatest reward, and not a headline in a newspaper. And now, if the Special Adviser and Minister would agree to maybe fifteen minutes' interruption, and then I would like to ask some questions so I can give the President the best possible explanation of your plan.

Xuan Thuy: Please let me speak a few sentences and then we shall have the break. Today, Dr. Kissinger has put forward a twelve-point proposal. We, we put forward a ten-point proposal. Of course, we should give a careful study to these proposals. So that after each meeting some progress is recorded to our talks. But I would like to refer to a word of Special Adviser Le Duc Tho, saying that in your proposal there is not a great step forward. He means by that your proposals regarding the political question. On this question, you have spoken about the political question now, you have made some changes to the political question in comparison with your former Eight Points—but in the main, you still want the Saigon administration, the Saigon regime.

And precisely it is this point which prevents the progress of our talks. I would like to point out this point so that in the study of each other's proposal we should pay attention to that point.

The second point, regarding the bombing of North Vietnam. In our view you have violated or acted against the engagement you made in October 1968. That is why Special Adviser Le Duc Tho has stressed on that point. As to the bombing and the destruction of many portions of dikes, this is a fact. Whether they are accidental or they are intentional, they are facts and we have figures, statistics on that.

As to the elections in the United States, it is always our view that this is an internal affair of the Americans. It is up to the American people. We don't take advantage of your election.

Dr. Kissinger: But the spokesman of your foreign office hasn't understood that yet.

Xuan Thuy: They just make a statement, not in an intention to influence your elections. Just like the press in Vietnam, the press in France, they are talking about the election in the United States. Let the American people decide their own affairs.

Dr. Kissinger: Let your spokesman say what he wants; he is actually helping us by making these statements. So it is a matter of indifference to me.

Le Duc Tho: Let me add a word about the bombing of the dikes. Why we have stressed the bombing of the dikes. You should bear in mind it is now the rainy season, the flood season. At present the level of water is high enough. Now please imagine that while we are talking here, if the floods happen and create the death and starvation of tens of thousands of people, how can we continue to talk with you? Everyone has a conscience or common sense. And we are Vietnamese. We are the victims of such floods. Yesterday the bombing of yours against Haiphong destroyed 400 houses, and how many people have been killed by this bombing—the bombing against such a city without any military significance or targets there? And I am not alone in telling you this; the whole world is speaking of it. So it is inadmissible that you continue such actions. And I wonder whether you want that after the time of the war, the settlement of the war, do you want that relationship between our country and you will be good relations? It is our wish that after the restoration of peace the relationship between the Vietnamese people and your people will be a good relationship. But if you continue to perpetrate such actions against our people this is not beneficial, [not only] for the present, but for the long-time period to come. This is one thing I would like to frankly tell you.

Dr. Kissinger: We repeat the offer we have made for either a temporary cessation of military actions or a significant reduction of military

actions by both sides. As for the dikes, I have noted what you have said and we will pay special attention to the avoidance of floods.

Le Duc Tho: Mr. Nixon himself affirmed that he did not target cities or densely populated areas. But the bombings happen there, with great human losses of the civilians.

Dr. Kissinger: Shall we take a brief break for fifteen minutes?

[The meeting was interrupted for a break at 4:08 p.m. and resumed at 4:27 p.m.]

Dr. Kissinger: You spoke longer than I, but I will admit you spoke constructively. To use a phrase I had heard before, not yet concrete enough. [Laughter]

Le Duc Tho: You demand too much.

Dr. Kissinger: After what I have learned from the Special Adviser, no other country can possibly negotiate with me. I know now how to wear down people. [Laughter]

Le Duc Tho: You have talked too much, but you are strong, sturdy.

Dr. Kissinger: When we were in Moscow, the Russians had three teams of negotiators to take me on. First a group of very tough men, then they brought in a gentle group, and then it depended how I behaved myself. But we were up every morning, really, until 3, 4, and 5 o'clock.

No, Mr. Special Adviser and Mr. Minister, before I comment on your proposal I would like to make a comment on my proposal, so that you can truly understand it. You have said that it is our intention in our proposals to maintain the existing Saigon administration. We will discuss this in greater detail next time when we meet. But as you study our proposals, and as you consider modifications of your own proposals, you should understand what we are trying to do even if we don't succeed in bringing it about exactly. We will not object to a change in the Saigon administration if it results from Vietnamese conditions or Vietnamese decisions. We cannot impose it as an American decision. Both as a point of honor and as a country on whose attitude other countries outside of Indochina rely.

The Special Adviser correctly pointed out last time that we have special considerations of a global nature while you do not necessarily have these considerations. And this is one of our difficulties. I am not debating this now; I am simply pointing it out as a fact.

Now second, it is for this reason that we have attempted in our proposal to create certain objective realities which would reduce the predominance of the Saigon administration about which you are so concerned. You recognize as well as we do that a standstill ceasefire, by creating areas of recognized PRG control, creates a new political reality in South Vietnam and therefore has the objective consequence of affecting the political process.

Second, our affirmation of certain principles which we have put into our proposal inevitably affects the expectations of the population of South Vietnam, and the degree to which the existing administration can represent itself as carrying out American preferences.

Third, the announced willingness of President Thieu to resign, again, has a major influence on the loyalties of the armed forces and on the political process resulting from the agreements.

Fourth, the constitutional change that we are proposing has the same general consequence.

Leaving aside any of these specific points, it would be a grave mistake if any of your colleagues were to believe that when we speak of natural evolution we were speaking of the guaranteed success of Vietnamization. What we want to arrange is a solution so that whatever changes may occur in South Vietnam will result from Vietnamese decisions and not from American impositions. If you can help us settle this problem, if we can solve this problem together, everything else will be easy. And I speak to you very seriously. And when you consider possible modifications of your proposals—I am not ready yet to make specific proposals—but when you consider them, please keep this in mind. Remember this is our paramount concern. If we solve this, everything else will be easy. So the method, procedure, is as crucial, more crucial in many respects than the outcome.

Now, let me make a few comments on your paper and then let me ask you some questions. First, I believe that the Democratic Republic of Vietnam document correctly sums up the principles I put forward at the last meeting. Secondly, from hearing the record—it is not in the document—I think the Special Adviser correctly summed up the issues on which we agree and the issues on which we disagree at the end of his presentation. But I would like to study the record to be sure. Thirdly, among these points there are two that the Special Adviser raised which I know are unacceptable in their present form and therefore there's no sense in pretending that there's any possibility of getting them accepted.

First, there is no possibility whatsoever that we will leave Indochina or will agree to any of these proposals while any American prisoners are left behind anywhere in Indochina. How you solve this is your problem. But I have every confidence that you have enough influence with your allies . . . Your point three is ambiguous in this respect. But at any rate, it is a problem that must be solved, and on which no compromise is possible.

Le Duc Tho: Prisoners?

Dr. Kissinger: Prisoners.

The second issue concerns the issue of indemnity. As I have told you before, we cannot accept any reference to any indemnity in any

agreement that we sign with you. We are prepared to make, to have, an understanding with you that we will contribute to the rehabilitation of all of Indochina. But this depends in part on Congressional action. And it would be a mistake for us to commit ourselves to a precise sum at this point. We can give you an order of magnitude, but we are not completely free in these matters. As you must have learned from the many Congressmen who have visited you, they do not all follow our direction. [laughter] But before the end of these negotiations we will try to find a figure which we can realistically indicate and give it to you.

Then I have a few stylistic objections to your paper. I am sure the Special Adviser and the Minister will not insist that we put into an agreement that we are putting an end to our “war of aggression” [laughter]. I trust we can find some more neutral language. What do you think, Mr. Special Adviser?

Le Duc Tho: There is a difference between the fact and the words to us.

Dr. Kissinger: Of course, Mr. Special Adviser, I have to tell you we might agree to this formulation and end what we consider our war of aggression and continue all other acts of war that we do not consider a war of aggression. So I think it’s in your interest to find a more neutral formulation.

But now, more seriously, let me ask you—to understand, just for clarification not for argument—on your points. And because I have a bureaucratic mind, do you mind if I raise the procedural points first? [laughter]

The first forum here settles the issues in principle. I just want to make sure I understand it. The second forum, the South Vietnamese forum, settles Vietnamese questions in detail that have been agreed to here in terms of implementation. The Vietnamese forum settles questions that concern both North and South Vietnam but that have been settled in principle here. And the Minister and our Ambassador settle those issues that have been agreed to in principle here that concern the four parties. Is that correct; did I understand your proposal correctly? I just want to understand the four forums.

Le Duc Tho: You have to some extent correctly understood, but let me clarify.

Dr. Kissinger: Please. That’s what I would like.

Le Duc Tho: First, the forum between you and us here. We shall deal here with the military questions, the specific questions we have raised in our proposals.

Dr. Kissinger: Just the military questions?

Le Duc Tho: And we shall solve here the political questions, too.

Dr. Kissinger: I thought for a minute he had given up on the link. [laughter]

Xuan Thuy: You have a dream to separate these questions. You are always dreaming about the separation! [laughter]

Le Duc Tho: Then we shall discuss here and settle the military questions and the political questions. But I think in connection with military questions we and you will discuss only the great questions. As to detail there should be commissions to discuss.

Dr. Kissinger: In the Avenue Kleber?

Le Duc Tho: We shall discuss how to organize the commissions. It will not do that we and you discuss how the troops will be regrouped, when it will be withdrawn, and so on.

Dr. Kissinger: That's right.

Le Duc Tho: In connection with the political questions, we shall discuss the principles and the main contents I have described in the document. But as to how the forthcoming government will be organized, how it will be composed, these discussions must be between the PRG and the Saigon administration.

Xuan Thuy: For instance, the three segments, who will be in them . . .

Dr. Kissinger: But I thought each side could nominate its own segment.

Le Duc Tho: At this forum between you and us we shall discuss only the principles and the main contents I have raised in my proposals. As to the specific questions, they shall be discussed between the PRG and the Saigon administration. But in case you and we want to exchange views on these specific questions, we can do that.

Dr. Kissinger: I understand that and I also understand the point, on which you and we incidentally agree, point three of your procedural [proposal], that you and we have an obligation to remove hindrances and difficulties. We agree with this.

Le Duc Tho: In the course of discussions between the parties if there arise some difficulties, then we shall meet and solve.

Dr. Kissinger: I agree. Do you and we have to agree on every point here before the other forums start working, or can we pass on to the other forums those agreements we have reached and ask them to start working on the implementation?

Le Duc Tho: Let me finish my answer about the forums. After the discussion between you and us are finished, then the forum between the PRG and Saigon administration will be opened. First will be the forum between the Vietnamese parties, to discuss questions concerning the three parties. But there are questions concerning all the four parties. Then we shall make up an agenda of questions to be discussed. And if some difficulty arises in these forums then we shall meet and solve.

[Dr. Kissinger to Mr. Engel: All right, now will you ask my question?]

[Mr. Engel translates Dr. Kissinger's question.]

Le Duc Tho: I think that we should discuss and settle all the questions. Then after the settlement then we will open the other forums. After discussions and settlement of all the questions put in the proposal, then we shall open the other forums.

Dr. Kissinger: Another possibility of course is if we agree upon the Special Adviser's proposition that at the end of each meeting we record what we have agreed upon and then pass it on to the other forums.

Le Duc Tho: I think we should discuss your twelve points, our ten points, and after discussion and settlement is reached then we will open the other forums.

Dr. Kissinger: On all points?

Le Duc Tho: On all the questions. And the questions we have raised in our proposals are the principles and the main content. We would not yet go into details.

Dr. Kissinger: I understand. For example I understand why your side will not want to open negotiations between the PRG and the Saigon administration until we have settled in principle all political questions. But it is conceivable to me that after we have agreed in principle on the military questions they could be discussed at Avenue Kleber without prejudice to the political questions, and conditional upon the settlement of the political questions.

Well, think about it and we will consider it next time.

Le Duc Tho: We have presented our proposal; you have expressed your views. Next time we will discuss.

Dr. Kissinger: Yes, I am just clarifying. Now can I ask you some substantive questions? With respect to still the procedural point, when you say the Saigon administration with Thieu, when you are talking to it, must change its policies and must change its delegation here, is this a recommendation or a condition?

Le Duc Tho: In our view, the change of the policy by the Saigon administration delegation at the Paris conference is in response to our concession regarding the resignation of Nguyen Van Thieu. And those two actions will create the good atmosphere for the talks.

Dr. Kissinger: I understand. All right. Now, let me see whether I have understood your political proposal correctly. You are always so complex I always have to repeat it to make sure I understood it. [laughter]

Le Duc Tho: I have answered.

Dr. Kissinger: Yes I know, but I would like to summarize it and see whether I understand.

First, you want the formation of a provisional government of national concord.

Le Duc Tho: Of three segments.

Dr. Kissinger: Of three segments, of which one segment is the Saigon administration, nominated by the Saigon administration; of which one is PRG-nominated and the third is jointly nominated.

Le Duc Tho: The Saigon administration is nominated by the Saigon administration without Thieu.

Dr. Kissinger: Yes, I understand. He can designate them but he can't designate himself.

Le Duc Tho: The third segment would be proposed in common agreement by the PRG and Saigon administration.

Dr. Kissinger: Exactly, I understand. Then this three-part government of national concord proposes elections for a constituent assembly. This constituent assembly will then lay down rules for general elections for a definitive government. I understand that correctly. How long is this period supposed to last between the formation of the national concord government and the general election? Approximately?

Le Duc Tho: After the ceasefire the three-segment government is only a provisional government.

Dr. Kissinger: I understand that.

Le Duc Tho: As to the timing of the general elections which will lead to the formation of a coalition government, this timing will be decided by the PRG and the Saigon administration. But if you want to discuss with us on this, we will discuss next time.

Dr. Kissinger: Give us some idea. The details will not be discussed with us but I would like to get some idea of the evolution.

Le Duc Tho: Next time if you want to discuss on the timing we shall discuss it.

Dr. Kissinger: All right. Now what sort of agreement do you visualize between you and us? Do you visualize that we and you should agree on what the outcome should be in a signed document? Do you think there should be an understanding between us which gives content to a neutral formulation or what? There are three possibilities—I am speaking now as a professor, don't draw any conclusions from this.

Le Duc Tho: Now in the capacity of professor, then in the capacity of journalist, then as a diplomat!

Dr. Kissinger: You are the expert with journalists; you have more influence with Kraft and Anthony Lewis and Salisbury than I do! Well, the first possibility is that we don't agree at all. The second possibility

is that we agree to a formal statement. The third possibility is that we agree to some neutral formulation which does not specify this content but that you and we would have a private understanding that we would encourage this outcome in the negotiations.

Le Duc Tho: We shall discuss this question later. But on our proposal of the four forums, what are your views?

Dr. Kissinger: I think it has constructive possibilities. I think it's a constructive proposal. I don't want to make the Special Advisor overconfident! If I praise him too much . . . I think it has good possibilities.

Le Duc Tho: We are always prompted by revolutionary optimism. [laughter]

The period from the formation of the three-segment provisional government until the election of the definitive government, you spoke about the timing. What timing do you have in mind?

Dr. Kissinger: I haven't thought about it. From our point of view, and for the reasons I gave you before, the longer the interval between our withdrawal and the definitive political settlement the better it is, and I am speaking very honestly with you.

Le Duc Tho: What is the reason for that position?

Dr. Kissinger: The reason is what I gave you before. We would like the final outcome to be seen as resulting from Vietnamese decisions and not from anything we did ourselves. We would like our attentions nationally to be turned away from Vietnam before. So our intention is quite the opposite of what you suspect.

Your concern, Mr. Special Adviser, is that after a settlement we will want to continue to intervene in Vietnam. Our intention is that after a settlement we want to reduce the national concentration on Vietnam and turn it to other matters. If you don't understand this you will really be making great mistakes. In this, this has to be our national policy.

Le Duc Tho: This is what I wanted to believe, that you will give up interfering in Vietnam.

Dr. Kissinger: This is our firm intention, not because of any agreement we sign but because of the history of the last 20 years. And this is why it is in your interest to be patient. I think you can ask friends of yours who have negotiated with us. I may be a difficult negotiator but I have never misled anyone who has negotiated with us.

In the provinces, what happens when this government is formed? Do they also have a three-part government? Or what happens there?

Le Duc Tho: In the localities, those localities controlled by the PRG, they will have an administration controlled by the PRG. Those controlled by the Saigon administration, they will be an administration

of the Saigon administration, but in the contested areas there will be established a three-segment local administration. But all these various administrations have to obey the three-segment government, the central three-segment government.

Dr. Kissinger: I understand. Now, I have understood your points and we will study them with the greatest care. I hope that the Special Adviser and the Minister will study our proposals, what I have said in answer to his clarifying questions earlier, and what I have said in explanation of our general attitude just now. These are important statements. They are not made to score points; they are made to help your understanding, because we want to make rapid progress.

Now I have a number of technical questions. First, what should they be talking about at Avenue Kleber?

Xuan Thuy: Make recommendations!

Dr. Kissinger: Well, we can continue the exploration of the May 8th proposal and of the Seven Points and their Two Elaborations. [laughter] But perhaps after the next meeting we can switch these items on which we have agreed to the Avenue Kleber forum, with the understanding that anything that will be decided there will be provisional depending on the solution of the political questions.

Xuan Thuy: When we have agreed on the substantial questions, then we shall discuss that.

Dr. Kissinger: Well, we can of course skip a meeting at Avenue Kleber without history suffering irreparable damage. [laughter] What do you think?

Le Duc Tho: I think we should have the regular meetings.

Dr. Kissinger: For what purpose?

Le Duc Tho: We should continue our habitual talks, but provided that the contents of our private talks here will not be brought over there.

Dr. Kissinger: You can be absolutely certain.

Le Duc Tho: But if now we interrupt the meetings at Avenue Kleber there will be speculations.

Dr. Kissinger: It's all right with us. But can I propose that both our Ambassador there and the Minister lower the decibel count by one octave? [laughter] Shall we try for that?

Xuan Thuy: A shorter step! At the previous talks—the bilateral talks between the U.S. and us, between me and Mr. Harriman—we had come to agreement at the private meetings, but the public meetings at Avenue Kleber went on.

Dr. Kissinger: Yes, they can go on, but perhaps if there could be a slight amelioration of the atmosphere. We will instruct Ambassador Porter to take a more conciliatory tone, and I would just like to com-

mend it to the consideration of the Minister. I recognize that Madame Binh is an entity to herself. [Thuy chuckles; Tho smiles] If that can be done I think it would help the atmosphere. I am assuming that neither side will make its proposals public. [They nod yes.] We will not. You can be certain of our side. And I am assuming also that Madame Binh will not make any proposals public.

Le Duc Tho: The contents of what we have been talking about here will not be made public. But if you will make them public you will be responsible for that.

Dr. Kissinger: We will not make them public. The only condition in which anything could be made public is if we face the same dilemma as last July, if while we are negotiating a secret plan with you, you make a public plan and then attack us for not responding to your public plan, to create domestic pressure on us.

Le Duc Tho: If at each meeting we have here we will be making progress then nothing will be made public until final settlement.

Dr. Kissinger: Right, by anybody. We agree; we will make nothing public.

Le Duc Tho: If we are making steady progress to settle the problem. Have you finished?

Dr. Kissinger: We're not afraid of your making it public. We just want to understand what the rules are. If you want to make something public, we'll make it public.

Le Duc Tho: If we are making steady progress at this channel to settle the problem then we will make nothing public and you should do the same.

Dr. Kissinger: We agree.

Could I propose the next meeting for August 14th? Could I propose 9:30 in the morning rather than 10:00?

Le Duc Tho: We should start earlier.

Dr. Kissinger: Good, 9:00?

Le Duc Tho: 9:00, all right.

Dr. Kissinger: No, 9:30. [They agree.] And then we will do it in slow stages; if we are awake we will then do it at 9:00 the next time.

Now, so that there are no further misunderstandings about these private meetings. We will make no public statements referring to private meetings between now and August 14th. We will not refer to the content of the meeting in any way whatsoever. We will express neither optimism nor pessimism.

Le Duc Tho: The last time you made the same statement but it turned out otherwise.

Dr. Kissinger: But we didn't. Now, Mr. Special Adviser, you are going to make me angry again. All the President did was to refer to

the fact a meeting had taken place. He did not describe the content. However, because of your extraordinary sensitivity, we will avoid even such references.

It would be helpful if we could reply to a question, simply because we gave it last time, to respond to a question about the length of the meeting, without any comments.

Le Duc Tho: I think that you should not mention the length of the meeting. You can say only the existence of the meetings. The reason is until we reach the full settlement and then we shall discuss how we shall make them public, it is better.

Dr. Kissinger: All right, all this is fine, I agree. Now if the President gives a press conference and somebody asks him, "Are there private meetings?" he will have to say yes. But we will not volunteer any other comments.

Le Duc Tho: No further comment and no mention of the content.

Dr. Kissinger: That is agreed.

Le Duc Tho: No mention of the length of the meeting.

Dr. Kissinger: No mention of the length of the meeting.

Le Duc Tho: May I add a few words before we part?

Dr. Kissinger: Please.

Le Duc Tho: Today we have shown our good will and we have made constructive proposals. We think you should pay attention to our proposals, particularly the political questions. Particularly in the political questions including the formation of the three-segment government of national concord. In our view this is a very reasonable and logical proposal and it meets the aspirations, the real situation in South Vietnam. Because if we fail to settle this question it will be difficult to make progress.

We have shown our good will in regard to the resignation of Nguyen Van Thieu. And please pay attention to our demand of a change of policy by the Saigon administration so as to create favorable conditions for the talks between the PRG and the Saigon administration.

And another thing I would like to particularly draw your attention to is the bombing of North Vietnam, the mining of North Vietnam, the bombing of North Vietnamese densely populated areas. This is a legitimate demand of ours. As to a number of specific questions about the wording, for instance, "the war of aggression," when we come to the agreement, then we shall discuss the wording.

Regarding the prisoners of war in Indochina, in the settlement of the problem we think we should respect the right of the Indochinese parties. But we are firmly convinced that the settlement of the Vietnam problem will create favorable conditions for the settlement of all these

questions. I don't see any difficulties. I don't know about the details but I think that in Cambodia or in Laos the number of American prisoners is very small. There are basically none at all. There is no reason when we settle with you much greater questions, why we can't settle much smaller questions, a very small number of prisoners. What is the purpose of that?

Now another question, about the damages. We should discuss later how this question should be solved. This is one of the great questions. Because great destructions have been caused by the war. Since the conclusion of the Geneva Conference nearly 20 years have passed and the war is going all the time. The destruction, the damages, are very great—losses are very great. And this is one of the conditions we have to discuss together. This is one of our demands, but also the demand of our entire people. And I believe that is also the thinking of the American people too—the American people think that you should assume the responsibility to heal the wounds of war. So I would propose you to give particular attention to that.

We have achieved some progress at this meeting. And I hope that if there is a positive and constructive spirit from your side, then we shall make steady progress.

Dr. Kissinger: Our attitude will be to come to a rapid conclusion. We will approach these discussions constructively and with good will. As I have said before, we would consider it the most significant achievement of this Administration if we could conclude a just settlement of the war in Indochina.

Le Duc Tho: Let us break.

Dr. Kissinger: All right, until August 14th at 9:30. And we will follow the same procedure on the 14th, so that there is no misunderstanding, just a very brief announcement that I am here, no time and no further comment.

Le Duc Tho: But you said you will make an announcement this time, but the next time you will not.

Dr. Kissinger: The difficulty is that the newspapers call my office every day. It gives us two choices, to lie or confirm it. If we say, "No comment," they will assume that I am here. If we lie, we are involved in an election campaign where we are accused of this all the time. So the easiest thing is to simply confirm that I am here, give no time and make no comment. We really have no practical alternative.

Xuan Thuy: We agreed this morning that this time since you had prepared an announcement it would be made for that time, but not for the next time.

Dr. Kissinger: No, we said we will discuss it.

Le Duc Tho: My strong view is that it is better, you had better wait until we reach full settlement, then we shall make them public. Then

we would be able to avoid speculation and would avoid complications. The reason for our proposals is that we want to respect the essence of the problem.

Dr. Kissinger: We respect the essence of the problem, but we want to make commitments on things we are certain we can keep. We are certain we can keep our commitments on the content of the meetings. But we are not certain we can keep secret my coming here when it involves my absence from Washington for two days, particularly with an election campaign and all my secret trips.

Le Duc Tho: But if you wanted to keep your departure a secret, it is easy.

Dr. Kissinger: It is not easy any more, because they check my office every day now. It used to be. I have not had any secret meetings since my trip to Moscow in April, which we had with major difficulties. And at that time we were accused in the press of deliberate deception.

This is the problem we face under these particular circumstances. We have no great . . . We get no advantage out of announcing these meetings. What is the advantage to us?

Le Duc Tho: But the journalists may say anything; we shouldn't base ourself on what they write.

Dr. Kissinger: It is our belief that announcing them will create the minimum confusion, the minimum speculation. Especially since at the first time we said that further meetings will be announced as they are held.

Le Duc Tho: But there are more speculations with the announcement than if there is no announcement.

Dr. Kissinger: I don't believe so. Because from now on with anything being said at all there will be less speculation. Actually we have no practical alternative.

Le Duc Tho: I think that speculation on your absence is something that is very trivial, so very habitual. Let us work well here and get good results, and then make them public; probably the public opinion will appreciate it.

Dr. Kissinger: I don't care about public opinion; I care about the practical position in which our side finds itself. The practical situation is that secret trips by me are a practical impossibility. Under these circumstances, if we agreed with you that we would not say anything and then you saw in the newspaper that it was confirmed by our spokesman, then the same results would come about. If our spokesman is asked, "Did he meet with the North Vietnamese in Paris?", and the spokesman says, "No comment," that's the same as making an announcement.

Le Duc Tho: If your spokesman says that, "no comment," it would be good.

Dr. Kissinger: Well, I will have to consider whether this is possible. I will have to discuss it with our spokesman. This I cannot promise. We can promise no advance notice, and we can promise no comment about the content, and we can promise to say nothing about the length of the meeting. This is in our control.

But I will send you a note within three days of this and tell you what is possible. We get no benefit out of the announcement of these meetings. I will make a serious inquiry and I will let you know, and I will send you word and we have no interest in making publicity with this.

These negotiations will either succeed or they will fail. If they fail, either we announce these meetings or not, but it will become obvious. Between the Minister, Madame Binh and the Special Adviser, that fact will dribble out to the press. If the negotiations succeed, that will also be obvious. In the meantime, neither of us should make any claims. Neither of us should make any comment about the content or anything surrounding the meetings. This we can promise and this we can maintain. As for the rest, I will send you a message.

Le Duc Tho: Please send a note to us.

Dr. Kissinger: I will send a note to you within three days. So we will meet on August 14th. I must point out incidentally that between August 14th and early September I will not be able to meet because of the Republican Convention. I just want to point it out, so you don't think whatever happens at the next meeting affects this. Unless there's some spectacular progress that makes it necessary for me to make a very quick trip over here.

But we will examine each other's positions then, for the next two weeks.

[The meeting concluded at 6:04 p.m.]

17. Memorandum of Conversation¹

Paris, August 14, 1972, 9:28 a.m.–5 p.m.

PARTICIPANTS

Le Duc Tho, Special Adviser to the North Vietnamese Delegation to the Paris Peace Talks

Xuan Thuy, Minister and Head of the North Vietnamese Delegation to the Paris Peace Talks

Phan Hien, Member of the North Vietnamese Delegation to the Paris Peace Talks

Nguyen Dinh Phuong, Interpreter
Two Notetakers

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
Winston Lord, NSC Staff Member

John D. Negroponte, NSC Staff Member

Peter W. Rodman, NSC Staff Member

David A. Engel, NSC Staff Member, Interpreter

Miss Irene G. Derus, Notetaker

Le Due Tho: This year there is no summer in Paris.

Dr. Kissinger: Terrible. It is the rainy season. [Laughter]

Mr. Special Adviser, Mr. Minister, if we could settle one of the issues on which we exchanged correspondence—and if we could do

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 864, For the President's Files (Winston Lord)—China/Vietnam Negotiations, Sensitive, Camp David Memcons, May–October 1972 [4 of 5]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at the North Vietnamese Residence at 11 Rue Darthé, Choisy-le-Roi. All brackets are in the original. The tabs are attached but not printed.

As directed by Kissinger, Haig reported to President Nixon that the 7½-hour “meeting was a holding action pending review in the capitals by both sides, especially on the political issue.” Haig continued: “Kissinger informed the other side that he was proceeding to Saigon to discuss the negotiations. Le Duc Tho, in turn, told Dr. Kissinger that he was returning to Hanoi in a few days to review the North Vietnamese position and it was then clear that he was not about to give anything away prior to that review. Kissinger emphasized that the PR effect of the nearly simultaneous visit of Kissinger to Saigon and Le Duc Tho to Hanoi should be significant.”

A stamped notation on Haig's memorandum indicates the President saw it, and Nixon wrote on the last page as follows:

“I. AI—It is obvious that no progress was made & that none can be expected—Henry must be discouraged—as I have always been on this front until after the election.

“We have reached the stage where the mere *fact* of private talks helps us very little—if at all. We can soon expect the opposition to begin to make that point.

“II. Disillusionment about K's talks *could be* harmful psychologically—particularly in view of the fact that the Saigon trip, regardless of how we downplay it—may raise expectations.

“What we need most now is a P.R. game plan to either stop talks or if we continue them to give some hope of progress.” (*Foreign Relations, 1969–1976*, vol. VIII, Vietnam, January–October 1972, Document 237)

(Footnote continues on next page)

it without spending as much time on it as last time. I think you will have noticed that since our last meeting there has been absolutely no comment of any kind about the substance of our last meeting. We have used every influence we have to avoid speculation. You notice that last week neither *Time* nor *Newsweek* mentioned the fact of the meeting.

But the fact of the matter is that it is absolutely impossible to hide my movements.

[Thuy asks aide for newspaper clipping. Kissinger laughs.]

I think he is going to read me his press clippings. I think he is complaining that the American press spelled his name wrong.

Xuan Thuy: You are very sensitive.

Dr. Kissinger: This week we have a special problem, Mr. Special Adviser, which I will discuss with you in greater detail but which I want to mention now. We want to deal seriously with you on Point 4. In order to do this I am going to Saigon from here. I am spending one night in Switzerland because of the 50th wedding anniversary of my parents, which is not a political event. But tomorrow afternoon I will leave for Saigon. And we will announce that tomorrow morning.

For all these reasons we really have no choice today except to make a very brief announcement along the lines of last time, giving no time, no subject and refusing to answer any other questions. I obviously

In an August 19 memorandum to President Nixon, Kissinger provided further details about this meeting:

"As the meeting headed toward a close I registered my disillusionment with their generally negative performance. They could hardly expect me to work hard in Saigon on political issues when they were underscoring differences on other issues as well. This had a salutary effect; their tone changed markedly:

"—They emphasized that both sides had been showing good will and that we were engaged in serious negotiations.

"—They emphasized that neutral ground must be found on the tough questions, like the political issues.

"—They opined that if the political problem could be solved, the other issues would fall into place.

"—They underlined their desire for rapid progress toward a settlement.

"—And Tho informed me that he was returning shortly to Hanoi; this was the first time he had accounted for his travels to me. (Ibid., Document 246. A stamped notation on the memorandum indicates the President saw it.)

Le Duc Tho and Xuan Thuy, looking beyond this meeting, assessed for the Politburo a way forward for the next stage of the Paris talks:

"[A]fter the three last private meetings, we decided

"—gradually to lead the US into real negotiations, and

"—step by step to try to understand the US scheme.

"Watching how much they show their cards, we should open our hands as wide as they do. Generally speaking, we should see what they put forward to follow suit and then play a similar card. However, we must be flexible, it was not necessary that they always made the first step and we always followed them, at times we should take the initiative to show our card first for sounding purposes and to direct them to our aim.

"We should firmly hold principles and be flexible in tactics." (Luu and Nguyen, *Le Duc Tho-Kissinger Negotiations in Paris*, p. 273)

would not be going to Saigon unless we would be seriously exploring a response to your proposal. So this is the first point I wanted to mention. And of course we do not request that you join in this. You can take the same position as last time, making no comment.

[Le Duc Tho nods]

Xuan Thuy: So what do you mean to settle now?

Dr. Kissinger: What I mean to settle is to tell you that we have to settle as we discussed last time; that we will simply say we met with you, without substance, and nothing else. We will simply confirm it.

I know you think we want to make propaganda, but there is no great propaganda advantage to this. We will either settle or we won't settle, and either way it will become obvious.

Le Duc Tho: Let me express my views on your proposal. Hitherto we have said that we did not object to the information of the meeting. But Mr. Special Adviser proposed to keep the meeting secret, therefore there had not been no information. But recently Mr. Adviser proposed to announce the meeting. Last time I told you that in our view we would announce the meetings when we have achieved good results in the negotiations. If now we speak about the private meetings while we have not achieved any result, then the public opinion would misunderstand. Therefore our position is not to announce the meetings. But if you want to announce meetings you can confirm the meetings as you did the last time. As for us, we will say what we want.

Dr. Kissinger: Within limits! But Mr. Special Adviser, I agree with you.

Le Duc Tho: Limit or no limits, it depends on the fact. If you refrain from using the meetings for propaganda purposes, if you keep secret the substance of the meetings, then we will adopt the same attitude. But on the contrary, if you divulge the substance of the meetings, if you use the private meetings for propaganda purposes, then we reserve the right to express our views.

Dr. Kissinger: I agree with the Special Adviser.

Le Duc Tho: But Mr. Adviser said that the press has not spoken anything about the private meetings. But this morning we learned that the *Baltimore Sun* has spoken a great deal about that.

Dr. Kissinger: The *Baltimore Sun*? Do you have the article?

Le Duc Tho: The article speaks a great deal about the meetings. It also said that President Nixon has informed his Senate friends about the meetings. And he obviously has been hinting to the private meetings and the questions discussed at the private meetings. You should have realized since the last meeting we have never said anything about the private meeting. This is the one point I would like to raise with you, because if you continue this way then we reserve the right to take appropriate action because you have not kept your promise.

Dr. Kissinger: Mr. Special Adviser, we are engaged in an important enterprise. It is absolutely essential that we are serious with each other. We have told nothing about these meetings to anybody. We have not even told our highest officials that you have made any proposals, in order to prevent any leak from occurring. We have not talked to the press. I have personally called the leading newspapers—among which I do not include the *Baltimore Sun*—to ask them to reduce the speculation and to tell them no speculation has any basis in fact. The President has not held a press conference after your complaint last time, in order to avoid saying anything by inadvertence. The President has not spoken to any Senators or any Members of Congress about it.

Now a newspaperman has to write an article, and Senators will never admit that they do not know anything. So when a newspaperman calls up a Senator it is quite possible he pretends to know something that he does not know.

We have no interest to put out anything about these talks. We have not done so. I repeat, nobody knows that you made a proposal except the people in this room, my Deputy, and the President. And now I want to tell the Special Adviser and the Minister that I agree with the procedure he has outlined. The only thing that is permissible to talk about is one sentence confirming the fact of a meeting. It is not permissible—I speak of ourselves—to make any hint or reference or description to the substance of the meeting. The *Baltimore Sun* is a paper which is influential only in Baltimore. It is not a national newspaper. We would never, if we wanted to put something out, talk to the *Baltimore Sun*.

But I want to assure the Special Adviser and the Minister, because it is important as we get into more and more complex issues, that we will not talk about the substance of these meetings, as long as these talks are going on. I want to be honest with you, Mr. Special Adviser. The difficulty arises when the newspapermen go to high officials in the State Department who do not know what is going on and ask them. They do not want to admit that they do not know, so they tell them things that they imagine are going on in Avenue Kléber. But we will be absolutely scrupulous. And now that we are entering into the serious phase of the talks it is essential that we both not say anything. And we will not say anything.

But this is just a Harvard way of saying, Mr. Special Adviser, that I agree with you. [Laughter]

Le Duc Tho: This is what you are saying here but practically it is just the contrary. You can read what your press has been saying about this meeting. Please read the press when you are back in the United States. The *Baltimore Sun*, the *New York Times*.

Dr. Kissinger: The *Times* has said nothing. The *Times* I have read. The *Times* I have read and the *Times* is one of the newspapers that I

called personally to ask to stop speculating. But I can only tell you what our policy is. It is up to you whether you want to believe it or not.

Le Duc Tho: Let us see what will happen in the future, because we have been meeting here twice. Let us see what will happen the third time. Let us see what will happen after this meeting.

Dr. Kissinger: I can tell you what will happen. I can tell you now. They are going to speculate. See, after all Madame Binh has made a lengthy interview, and she also repeated some things you said here. But I don't accuse you of revealing, because I understand there are only two or three issues and when you write about them you are apt to say something similar. But I am not accusing you, because I understand that.

Le Duc Tho: What Madame Binh has said is in connection with the Kléber sessions, but here I would like to refer to the subject of the private meetings.

Dr. Kissinger: I cannot keep the press from speculating. Though I will use my influence. If we tell them nothing they will have to stop speculating.

Le Duc Tho: I would like to draw your attention to what I have to say. We have experienced this twice and the third time will not do. Please keep your promise. Now let us just . . .

Dr. Kissinger: All I have to say is, Mr. Special Adviser, I have never accused you of not keeping a promise.

Le Duc Tho: Because we have kept our promise.

Dr. Kissinger: Mr. Special Adviser, we have kept our promise. I have told you last time; I will tell you again. If you don't understand the American press I regret it, but I cannot help it.

We have settled honorably and fairly with many countries. We have never been exposed to these constant charges of bad faith that seem to be the regular negotiating method of your side. We have meticulously kept every promise which it is in our power to keep.

Le Duc Tho: But as we told you the last time, your negotiations with the Soviet Union and China are different from those we are having here.

Dr. Kissinger: I didn't mention any countries. I know they are different, now that you have mentioned them. The conditions are different, and some of the points that the Special Adviser made are extremely well taken. But what is not different is that promises should be kept.

Le Duc Tho: I agree that we should keep our promise. But if we review the past, you have broken your promise many times.

Dr. Kissinger: Mr. Special Adviser, it is senseless. We haven't even started negotiating yet and you have already repeated all the charges, which I will not accept. We have not broken our promise since the last

meeting. We have made an extraordinary effort to keep our promise. I don't doubt that you can find a paragraph in some newspaper which you can twist as a leak from the secret meeting, but we have kept our promise. And I suggest that we go on to something more useful.

Le Duc Tho: I agree that we stop discussion on that point now, if you like it, and we have just another question, but I still maintain our view that in connection with promises we have kept our promise as you didn't.

Dr. Kissinger: Well, Mr. Special Adviser, I think that without inward generosity it is not easy to come to an agreement, and that is what seems to be lacking on your side.

Le Duc Tho: I mean there is a responsibility on which we have discussed and agreed to, and this is aimed to avoid the happenings in the future when we meet here in negotiations. You said last time that we should have a mutual understanding. We should have a mutual trust. This is in a constructive spirit that I raise this point.

Dr. Kissinger: Well, if I reply, the Special Adviser will just repeat what he has said five times. [Laughter]

Xuan Thuy: Let us go into the matter now.

Dr. Kissinger: All right. I take it you want me to speak first again. [Laughter]

Le Duc Tho: You are welcome to.

Dr. Kissinger: No, I think actually it is your turn to speak first. I have spoken first at the last two meetings.

Le Duc Tho: But now you have just said that you will speak first, so I agree to that, because you wanted to finish your presentation and then you will go to Saigon.

Dr. Kissinger: Well, Mr. Special Adviser, I am not playing games. I assume if you have anything to tell me I will hear it before this meeting is over.

Le Duc Tho: We shall express our views.

Dr. Kissinger: I consider it a sign of traditional North Vietnamese hospitality that you ask me to speak first.

Xuan Thuy: North Vietnamese hospitality is always warm and we are always courteous.

Dr. Kissinger: I have to say, Mr. Special Adviser and Mr. Minister that while I have many complaints, I do not complain about your courtesy and hospitality. I think it has been impeccable. We have had many tense and difficult meetings but they have always been on the basis of personal respect and good manners. And I am glad to have the opportunity to say this.

I have a fairly lengthy statement because I want to respond to every point you raised last time. So if the Special Adviser and the Minister are patient with me I shall read my statement.

Xuan Thuy: We are patient. You have seen we are always patient.

Dr. Kissinger: Mr. Special Adviser, Mr. Minister—

At our last meeting, on August 1, both sides presented concrete new proposals for a comprehensive settlement of the war. We agreed to study each other's plans with a view to making further progress at today's meeting.

We have carefully reviewed both your substantive and procedural plan. As I indicated last time we believe your plan has many constructive elements. If you continue to approach the negotiating problems in this spirit, you will find us a willing partner, and together we can move rapidly toward a settlement.

In preparing for this meeting, we have once again adopted the basic outline of your recent plans. We have gone through both your proposals, point by point, and recast each of them into language we believe is mutually acceptable. We have left Point 4, the political issue, for later discussion.

We realize that the political issue remains the heart of the problem. Our joint task is to remove this obstacle to a settlement by shaping a solution that is consistent with the deep principles of both sides. I want to assure you that we are making a serious effort to find a formulation that closes the gap between us. And whatever agreement we do reach we will observe—in spirit, in letter, and in nuance.

Our consistent policy is to promise only what we can deliver. We must be confident that whatever we can agree to can and will be implemented speedily. It serves nobody's purpose to repeat the experiences of 1968, when an agreement only produced an immediate new stalemate.

Le Duc Tho: Now this engagement of 1968 is violated.

Dr. Kissinger: Mr. Le Duc Tho, the engagement of 1968 was violated by you in many respects. You are trying to turn it into a unilateral American violation. You have violated it with regard to the demilitarized zones and shelling cities and other matters. But I would prefer not to debate it at this time.

I would just like the Special Adviser to ask himself one question. I know he will repeat to me what he has said 100 times. But since we have come into office we have made more agreements with more countries than any previous Administration. Not just your allies. We have a reputation as tough negotiators, but no country has ever accused us of breaking our word to them. Every country is seeking to deal with us in the White House. Now why is it with you that only on Vietnam

we are unreliable? Is it conceivable that Hanoi suffers from the affliction that seems to come to no other part of mankind since the beginning of creation, namely infallibility?

Le Duc Tho: Here I would like to reaffirm that we many times and Minister Xuan Thuy has expressed at Kléber Street regarding the violation of the DMZ and the 17th parallel. These violations stem from the United States aggression against Vietnam, from the United States violation of the Geneva Agreement. The Pentagon Papers have also thrown enough light on this score. So we have been expressing these views in the last four years. Therefore, I don't think it necessary to repeat it again. Now you save time and please go directly into the matter you have raised, so to save time. Let history judge on this question.

Dr. Kissinger: Mr. Special Adviser, you raised the point. I was going through my statement. [Laughter]

Le Duc Tho: But since you bring up the cessation of the bombing . . .

Dr. Kissinger: I refer to the fact that we will keep our promises. There is a French saying that says "*Cet animal est très méchant; quand on l'attaque il se défend.*" So if the Special Adviser attacks me, then I reply, then he accuses me of interrupting my presentation. [Laughter]

Le Duc Tho: I raise facts.

Dr. Kissinger: I am glad to see that my colleagues are in fine form today.

Xuan Thuy: If you raise these subjects I have many things to tell you about that.

Dr. Kissinger: And you have already said them 150 times. I think he should go to the next meeting [at Kléber], because when he doesn't he is really too well rested for our meeting. [Xuan Thuy laughs.]

Dr. Kissinger: May I continue?

Le Duc Tho: Yes.

Dr. Kissinger: This is why I want to tell you how we plan to proceed. We seriously want to end the war rapidly. We will make a major effort to meet your reasonable concerns. I am going on to Saigon this week—this is for your information, as the visit will not be announced until tomorrow, and we will appreciate your not talking about it. There I will talk with American and local officials to discuss the entire situation. Among my principal subjects, of course, will be to explore the political issue in depth.

Xuan Thuy: Tomorrow we will be able to speak about that.

Dr. Kissinger: I'm sure you will. Although I think it would be best if some restraint would be exercised. But this is entirely up to you.

Xuan Thuy: Please go on.

Dr. Kissinger: At the end of this month, the President will go to Hawaii to meet with the Japanese Prime Minister. Just before this meeting, the President and I plan to meet with our Ambassador to Saigon to review the negotiations once again and to develop a comprehensive political position.

Accordingly, during the interval before our next meeting, we will search intensively for a new political proposal that could help erase the last major barrier to a negotiated settlement. We will build on those elements of your plans that we consider constructive. We will do our utmost to meet your reasonable concerns, consistent with our own principles. I hope you, too, will make a positive effort.

When we next see you, in early September, we will thus be prepared to make a detailed and comprehensive response to your political proposals. And we will make it with confidence that our suggestions can be carried out rapidly and decisively.

Incidentally, the announcement of my trip will be made at noon tomorrow Washington time, or 5:00 p.m. Paris time. So if you could restrain any comment you feel like making until then.

Le Duc Tho: We will have no comments on your trip to Saigon.

Dr. Kissinger: Now, against this background let me turn to your plan of August 1.

First of all, your peace proposal lists your agreement with certain principles which I outlined on July 19 as our attitude towards a settlement. Your version is basically acceptable. We have redrafted it with some minor adjustments, primarily to indicate where there could be mutual agreement as well as a statement of the US attitude.

Let me read this to you: [Reads text, "Agreed Principles Guiding a Settlement," at Tab A.]

"Agreed Principles Guiding a Settlement"

"The following general principles guiding a settlement have been agreed between the United States and the Democratic Republic of Vietnam:

"1. The United States and the Democratic Republic of Vietnam pose no long-term threat to each other and can peacefully co-exist. For its part, the United States has an interest in the independence, autonomy and economic progress of the Democratic Republic of Vietnam in the post-war period.

"2. Both sides agree that the time has come genuinely to negotiate a settlement which respects the independence of Vietnam and meets each other's reasonable concerns.

"3. Both sides respect the right of South Vietnam to decide its political future free from outside interference. For its part, the United States is not committed to any particular political orientation or personalities in South Vietnam. It is willing to let the people of South Vietnam

freely decide their natural evolution, without a permanent United States presence. It will accept the outcome of any free political process and define non-interference scrupulously.

"4. Both sides are interested in the independence, neutrality, and territorial integrity of the Indochinese countries. For its part, the United States does not seek to maintain any troops, bases or alliances in Indochina after the war is over.

"5. Both sides will respect the agreements reached, in letter and in spirit, in every particular. This will contribute to the establishment of good relations between the two sides in the longer term.

"6. In order to reach a settlement, both sides must create mutual confidence, show good faith, and manifest a realistic outlook in a spirit of compromise."

You will note that we have used most of your language. The primary change we have made is, you have stated them as American assertions and we have stated them as agreed. We are prepared to record these principles as understandings reached between us. [The interpreter asks that this be repeated.] We are prepared to record these principles as having been agreed between us. Now let me turn to the Ten Points.

We have followed the same procedure. I have replied to each of the points, except Point 4. I will read our version, and then explain them point-by-point. I would like to point out that in some places we have shifted your language elsewhere where it fit more logically. So please reserve your comment until you have heard it all.

I would like to read our version of your ten points. Then with your permission I would like to explain each one of them so that you know what we are attempting to do:

[He begins reading text at Tab B. The North Vietnamese serve tea.]

"1. The United States respects the independence, sovereignty, and territorial integrity of Vietnam, as recognized by the 1954 Geneva Agreements on Vietnam.

"The total withdrawal from South Vietnam of all troops, military advisers, and military personnel, armaments and war material belonging to the United States, and those of other foreign countries allied with the Government of the Republic of Vietnam, and the dismantlement of all U.S. military bases in South Vietnam, will be completed with _____ months after the signing of the overall agreement."

Le Duc Tho [laughs]: What is the question of months?

Dr. Kissinger: I will explain this, Mr. Special Adviser. The Special Adviser will not be content until I come in here one day and say, "We have withdrawn all our forces," and then he will say, "You are not yet concrete!"

Le Duc Tho: Are you sure?

Dr. Kissinger: I will explain why we left it free in a minute. I don't believe it is our most difficult problem. [Resumes reading.]

"After overall agreement is reached, the U.S. is prepared to define its level of military aid with any government that exists in South Vietnam in direct relation to other external military aid introduced into Indochina.

"3. The release of all military men and innocent civilians captured throughout Indochina will be carried out simultaneously with and completed on the same day as the aforesaid troop withdrawal. The parties will exchange complete lists of the military men and innocent civilians captured throughout Indochina on the day of the signing of the overall agreement."

Point 4 we will leave open until the next meeting.

"5. The question of Vietnamese armed forces in South Vietnam will be settled by the Vietnamese parties themselves in a spirit of national reconciliation, equality, and mutual respect, without foreign interference and with a view to lessening the burdens of the people.

"6. The re-unification of Vietnam will be achieved step by step, through peaceful means, on the basis of discussions and agreements between North and South Vietnam, without coercion or annexation from either side and without foreign interference. The time for re-unification will be agreed upon after a suitable interval following the signing of an overall agreement.

"Pending re-unification, North and South Vietnam will reestablish normal relations in all fields on the basis of mutual respect.

"In keeping with the provisions of the 1954 Geneva Agreements on Vietnam, while Vietnam is still temporarily divided, North and South Vietnam will refrain from joining any military alliance with foreign countries, and from allowing foreign countries to maintain military bases, troops, and military personnel on their respective territories.

"7. The Geneva Agreements of 1954 on Indochina and those of 1962 on Laos will be respected by all parties. The people of each Indochinese country will settle their own internal affairs, without foreign interference.

"The problems existing between the Indochinese countries will be settled by the Indochinese parties on the basis of respect for each other's independence, sovereignty, territorial integrity and non-interference in each other's internal affairs. Among the problems that will be settled is the implementation of the principle that all armed forces of the countries of Indochina must remain within their national frontiers.

"8. The countries of Indochina shall pursue a foreign policy of peace, independence and neutrality, establish relations with all countries regardless of their political and social regimes, maintain economic and cultural relations with all countries, and participate in programs of regional economic cooperation.

"9. At a time mutually agreed upon, a standstill ceasefire will be observed throughout Indochina under international control and supervision.

"As part of the ceasefire the U.S. will stop all its acts of force throughout Indochina by ground, air, and naval forces, wherever they may be based, and end the mining of North Vietnamese ports and harbors.

“As part of the ceasefire, there will be no further infiltration of outside forces into any of the countries of Indochina, and the introduction into Indochina of reinforcements in the form of arms, munitions and other war material will be prohibited. It is understood, however, that war material, arms and munitions which have been destroyed, damaged, worn out or used up after the cessation of hostilities may be replaced on the basis of piece-for-piece of the same type and with similar characteristics.

“10. (a) There will be international control and supervision of the provisions under points 2, 3, 5, 7 and 9 of this agreement. The composition, tasks, and organization of the international control and supervision commission and the subjects to be controlled and supervised will be agreed upon by the parties.

“(b) There will be an international guarantee for the respect of the Indochinese people’s fundamental national rights, for the status of Indochina and for the preservation of lasting peace in this region. The countries participating in the international guarantee and the form of guarantee will be agreed upon by the parties.”

[Dr. Kissinger hands over the text, at Tab B.]

You will have noticed that we have followed the structure of your proposal and used much of its language.

Now let us review it point by point, so if you perhaps disagree with some of its formulations where we have a common intent we can discuss it.

Point 1: We agree that the United States should undertake to respect the independence, sovereignty, and territorial integrity of Vietnam, as recognized by the 1954 Geneva Agreements.

I am explaining the points now. I am explaining them point by point and to explain where, if we have dropped a sentence, why we have done it. Sometimes our formulation does not explain our meaning adequately and perhaps when I explain what we are doing you can find a happier phrase. This is why I tell you again in informal language what we agree with and how we are handling the rest of it. It is time consuming but it is also important.

We also agree that as part of an overall agreement, the U.S. will refrain from acts of force throughout Indochina by ground, air and naval forces wherever they may be based, but we suggest this as part of our Point 9, the ceasefire point. In other words, we have moved it from Point 1 to Point 9.

We agree to non-interference in Vietnamese internal affairs. We have recorded this as Points 1 and 3 of the agreed principles. If you prefer a rearrangement of these undertakings to correspond to your headings I am sure we can work this out.

Finally, with respect to your request that we end all our involvement in Vietnam, we have provided in our withdrawal and ceasefire provisions in Points 2 and 9—committing ourselves (in Point 2) to

defining the level of military aid with any government that exists in South Vietnam and (with Point 9) agreeing to cessation of importation of all military equipment in Indochina.

There are two provisions. Point 2 says we are prepared to define bilaterally the level of our military aid to any government that emerges in South Vietnam. In Point 9, the ceasefire point, we have pointed out that we are prepared to accept a ban on the importation of any outside military equipment into Indochina, as part of the agreement with you.

Finally, in our statement of principles (Point 3), we have made it quite clear we are prepared to accept the natural evolution in South Vietnam without U.S. interference, without U.S. presence or interference.

Thus we believe we have taken care of all your provisions, and aside from your objectionable adjectives, which I have already alluded to, Point 1 should be soluble.

May I go on? The Special Adviser looked puzzled.

Le Duc Tho: I understand. But I am wondering what is meant by that. The nuances.

Dr. Kissinger: Remember, Mr. Special Adviser, our minds are not as complex as Vietnamese minds, so you may find nuances that have not been deliberately put in there. [Laughter]

Le Duc Tho: But sometimes you have the intention to put in the nuances but you don't realize that. [More laughter]

Dr. Kissinger: Mr. Special Adviser, after you complete this you have a great career ahead of you in psychoanalysis. And if you end up in practice I will be your first patient, because it will give me a chance to talk to you for an hour without your talking back to me.

Le Duc Tho: You are well versed in psychological warfare and not we.

Dr. Kissinger: Well, I hate to see you do something in things you are well versed at, if you do this with something you don't know anything about. May I go on to the next point? I feel the Special Adviser continues to reflect about my nuances. [Laughter]

Le Duc Tho: I am always thinking about your nuances.

Dr. Kissinger: You may think so much about the nuances that we may never get to the main point.

Point 2: We agree that there will be a total withdrawal from South Vietnam of all U.S. and allied troops, military advisers and military personnel, as well as weapons and war material belonging to these forces, and that bases under U.S. control will be dismantled.

The time period for these actions should not be an insoluble problem. You have dropped the idea of a fixed date, and we are willing to

reconsider our four-month period. We will have a concrete suggestion next time. At the risk of robbing our next meeting of some suspense, I will indicate to you now that our proposal is apt to be somewhat briefer than four months and somewhat longer than one month. We have to find a compromise between your optimism and our pessimism. [Laughter]

Le Duc Tho: The time seems not so long. As you told me last time, that this question is not a bargaining question.

Dr. Kissinger: I didn't say it in reference to this . . .

Xuan Thuy: Previously it was four months and now three months and 29 days? [Laughter]

Dr. Kissinger: I will make a specific proposal next time—which you will reject—but seriously, I believe that this will not be the most difficult issue we have. The most difficult issue is the political issue, as the Special Adviser has repeated. Did I understand him correctly?

Le Duc Tho: The most thorny question. You are right.

Dr. Kissinger: You see I have learned something from the Special Adviser in my three years of tutorial. [Laughter]

On military aid, we agree with the Special Adviser's formulation of July 19, that this should be decided by the South Vietnamese government that emerges from the political process to be agreed to under Point 4. On this point, moreover, we are prepared to have a private understanding with you indicating the levels of our aid after a settlement, given ceasefire conditions. We would also like to call your attention to our formulation under Point 9, regarding importation of all military equipment into Indochina.

Point 3: We agree that the release of all military men and innocent civilians of the parties will be carried out simultaneously with and completed the same day as the troop withdrawal, and that the parties will exchange complete lists on the day of signature.

As I said last time, however, we must be assured of the release of all prisoners throughout Indochina and the accounting for all missing. There is no possibility whatsoever that we will leave Indochina or will agree to any proposal while any American prisoners are left anywhere in Indochina or unaccounted for. Your proposal specifically includes only Vietnam, but you have indicated that Laos and Cambodia should present no difficulty. This is your problem to solve, but it must be solved, and in a concrete manner. I await your proposal.

Point 4: I have told you our intentions. At our next meeting we will present a comprehensive and concrete plan that makes a serious effort to take account of your principles as well as ours. We would appreciate it very much if you could give us your reactions to our twelve-point plan of last time, so that the process can be speeded up.

Point 5: We agree that the question of Vietnamese armed forces in South Vietnam should be resolved among the Vietnamese parties. We are assuming that the details of this will be discussed either in the second or third forum outlined in your procedural document.

Incidentally, all these points are keyed to your points, not our points. This is an explanation of our reactions to your points. Our points have slightly different formulations.

Point 6: We agree that the reunification of Vietnam and its timing will be discussed and agreed upon by North and South Vietnam without coercion or annexation from either side, and without foreign interference.

We agree that pending reunification, North and South Vietnam will establish normal relations in all fields.

We agree that the two zones will maintain the various military provisions of the 1954 Geneva Agreements.

Point 7: We have told you that we cannot accept responsibility for reparations in a formal negotiating document. As we have said, we are prepared to make an understanding that we will contribute to a program for the reconstruction of all of Indochina, as a unilateral American decision.

Point 8: We agree that there will be a standstill ceasefire under international control and supervision. We are willing to consider different modalities for achieving this, to prevent reentry by outside forces. I will express our views as to timing in conjunction with our political proposals next time.

We agree, under this point, to stop all acts of force throughout Indochina.

We have added a provision barring the introduction of new military material into Indochina, which represents one approach to your demand that military aid end when a ceasefire is reached.

We still have differences over the timing and extent of the ceasefire.

Point 9: We agree that there will be international control and supervision and that the composition, tasks and organization of a commission or commissions, as well as the subjects to be controlled and supervised, will be agreed upon by the parties.

We also agree that there will be international guarantees for the respect of fundamental national rights, for national status, and for lasting peace in the region. And we agree that the participating countries and form of guarantee should be decided by the parties. We believe the international guarantees should extend to all of Indochina.

Point 10: We agree that both sides must respect the 1954 Geneva Agreements on Indochina and those of 1962 on Laos. And we agree

also that the people of each Indochina country should settle their internal affairs without outside interference.

Finally, we agree that the problems existing among the Indochinese countries will be settled by the Indochinese people on the basis of mutual respect for the independence, sovereignty, territorial integrity and non-interference in each other's affairs.

To sum up, we believe that our positions on nine out of your ten points are essentially reconcilable.

On the central political question, our positions have moved somewhat closer this summer. Let me make some general remarks before discussing your procedural proposal.

Our paramount concern—our bedrock principle—is that the political future of South Vietnam results from the decisions of the South Vietnamese people and not by imposition of the United States Government. If you will recognize this principle, and reflect it in your proposals, all other problems can be solved easily.

Within this framework we will bend every effort to shape an agreement that meets the concerns of both sides and brings not only peace, but reconciliation and justice, to the scarred land and people of South Vietnam.

Now let me turn to your proposal on the conduct of negotiations. We have redrafted your document, accepting most of your substance while improving the English.

Am I going on too long?

Le Duc Tho: Please go on. It's long but if it is good, it is acceptable that it be good.

Dr. Kissinger: Let me read the document. Even the Special Adviser and the Minister must agree that we have not been idle. We may not be concrete but we have not been idle.

Le Duc Tho: You are right. You have brought a lot with you but not yet concrete substance, because you have not said anything on Point 4. If at every session we speak about general problems like this, then I don't know how long it will take.

Dr. Kissinger: If I understand the Special Adviser, last time he said if we cannot reach agreement on one point we should go on to another point. So we have gone on to another point. Moreover, I have explained to the Special Adviser why we have not responded to the Point 4: because we want to make a comprehensive and concrete proposal and for this we have to discuss elsewhere. So what we are trying to do is settle everything else if we can, so that only that point is left. I want to assure the Special Adviser and the Minister that in the course of our discussion it had penetrated to me that you attach some importance to Point 4.

Now may I deal with the procedural points? [Tho nods yes. Dr. Kissinger begins to read "Procedures regarding the Conduct of Negotiations," text at Tab C.]

"Procedures Regarding the Conduct of Negotiations"

"1. The parties agree that there will be the following forums:

"(a) *First, a forum of private meetings between representatives of the United States and the Democratic Republic of Vietnam.* This forum will discuss and resolve military issues such as the withdrawal of United States forces, ceasefire, the return of prisoners of war and such other military issues as may be agreed between the parties. In addition, the two parties will discuss and resolve the principles and general content of the political questions affecting the settlement of the Vietnam problem.

"The two parties will discuss and resolve questions one by one. If, in the course of negotiations, there remain disagreements on one question, the parties will agree to move to the discussion of another question, returning to outstanding points of disagreement at a subsequent time.

"As these bilateral negotiations proceed, principles agreed upon between the two parties will be recorded for subsequent discussion in detail in the forums enumerated below. When one question is resolved in this forum, the parties may, by mutual agreement, refer it immediately for detailed discussion to one of the forums listed below.

"(b) *Second, a forum of private meetings between representatives of the Government of the Republic of Vietnam and the PRG.* This forum will discuss and implement the agreements on the military questions, as well as the principles and general contents of the political questions, already reached in the forum between the United States and the Democratic Republic of Vietnam. This forum will also discuss and resolve in detail such other political and military questions which may have not been resolved in the forum between the United States and the Democratic Republic of Vietnam. This forum will also deal with any other matters mutually agreed for discussion between the Republic of Vietnam and the PRG."

I've always had the theory that one day we will accept the North Vietnamese proposal and they will be so busy looking for the nuances that they will miss this point and not accept our proposal. I think we're reaching this. [Laughter]

"(c) *Third, a forum of tripartite private meetings between the Republic of Vietnam, the Democratic Republic of Vietnam and the PRG.* This forum will discuss the settlement of specific questions concerning North and South Vietnam, such as the problem of the Vietnamese armed forces, and any other matters mutually agreed between the three parties.

"(d) *A four-party forum between the United States, the Republic of Vietnam, the Democratic Republic of Vietnam and the PRG.* This forum will discuss the settlement of a number of specific questions concerning the four parties, such as an Indochina-wide ceasefire.

"2. It shall be the right of any of the four forums enumerated above to refer a matter to another forum if, after discussion and mutual

agreement, this is considered appropriate and helpful to facilitating solution of the matter in question.

"3. In the course of negotiation the United States and the Democratic Republic of Vietnam assume the joint responsibility to overcome obstacles and difficulties which may arise among the parties.

"4. When agreement is reached at the above-mentioned forums, an overall agreement will be signed. Besides the overall agreement, the parties may also reach bilateral or tripartite agreements.

"5. The parties may also agree on the establishment of a wider international forum to deal with those aspects of a settlement which also pertain to all of Indochina."

[Dr. Kissinger finishes reading and hands to Le Duc Tho a copy of the text at Tab C. He continues:]

I think these points are self-explanatory. But we would like to call special attention to the point about the joint US–DRV responsibility to help overcome together hindrances and difficulties arising among the parties. I wish to emphasize the seriousness with which we shall implement this.

Le Duc Tho: [interjects re Point 5] Like in the type of the Geneva Conference . . .

Dr. Kissinger: In the type of Geneva, but also on provisions that affect Laos and Cambodia, that they be included in the provisions of the settlement.

Le Duc Tho: Of the type of Geneva conference.

Dr. Kissinger: We have indicated there are two separate things. The Geneva-type discussion will only supply the international guarantee, not the solution. But you have proposed in Point 9 (b) of your proposal that there will be international guarantees, and we have used your language in ours, so this is an implementation of it. Is that clear?

The other thing is that they have some provisions that concern all of Indochina. In Point 7 of our proposal we have pointed out that "the problems existing between the Indochinese countries will be settled by the Indochinese parties." These have no forum in your proposal, and we are referring to that. Our Point 7 is drawn from one of the points of your Nine Points last year. It is Point 6 of your Nine-Point proposal. We are just providing a forum for this point. But we are not saying this is obligatory. We are saying this can be set up. I think these points are self-explanatory.

We want to call particular attention to our Point 3, the joint US–DRV responsibility to help overcome together hindrances and difficulties arising among the parties. I wish to emphasize the seriousness with which we shall implement this. For reasons I will explain later, we believe this point can be very significant.

We are prepared to record today those agreements we have reached regarding principles, procedures and substance, following the Special Adviser's suggestion of last time.

At our last meeting you listed areas of essential agreement between us. These included:

- Total U.S. and Allied withdrawal.
- Reunification to be decided by North and South Vietnam.
- Respect for the 1954 and 1962 Geneva Agreements.
- A peaceful, independent and neutral Indochina.
- A standstill ceasefire with international control and supervision.
- International guarantees for the region.

Today I have presented our own list of areas of agreement, which is essentially consistent with yours. The Special Adviser also listed areas of continuing disagreement. Our reply to these has narrowed a number of these and deferred the remainder to the next meeting. These are:

—*The Time Limit for U.S. and Allied Withdrawal.* As I have said, we do not believe this is an insoluble problem, and I will have a specific suggestion next time.

—*Military Aid to the South Vietnamese Government.* This is covered in Point 2 and Point 9 of our proposal. In addition, I have told you that we are prepared to give you a private indication about the levels of our aid after a settlement, given ceasefire conditions.

—*Political Issues.* As I have told you, we shall make a detailed and comprehensive response at our next meeting.

—*Post-war Reconstruction.* We have made clear that while we will not include a formal commitment to reparations, we are prepared to make an understanding for a program for reconstruction of all of Indochina.

How then should we proceed? We believe that we have made sufficient progress on some issues so that some of these questions could now be shifted to other forums. We are prepared to open all forums, though the opening of the GVN–PRG forum should probably wait until we have responded to your Point 4. However, we believe that the Avenue Kléber forum could begin addressing certain agreed issues, such as the conditions and modalities of a ceasefire. We agree basically that there should be a standstill ceasefire at some point. This requires that many technicalities be discussed. We could assign ceasefire questions to a four-party working group of the Avenue Kléber forum, with a clear understanding that both sides reserve their positions regarding the timing of a ceasefire and the relationship to political issues. The negotiators could thus usefully work on technical details which you yourself said should not concern us here.

I recognize it would be a loss to humanity if the speeches that the Minister and Ambassador Porter have rehearsed for the last few years were not heard. [Laughter] And we should consider that carefully.

Xuan Thuy: I repeat that what you have said publicly.

Dr. Kissinger: What I have said publicly are what he has said.

Interpreter: You Americans.

Le Duc Tho: The other day I said that once we have reached agreement on all military and political questions, then these questions will be referred to the forums I have mentioned. And only when it is necessary then we shall set up working commissions.

Dr. Kissinger: I am prepared. It doesn't have to be a working commission. I am prepared to put it in the forum of Avenue Kléber. It doesn't have to be a working commission. We are quite prepared to have it at the regular plenary session.

Le Duc Tho: We shall discuss this question later.

Dr. Kissinger: All right. Let me finish. Only two more hours! [They laugh.] He understands English [re Xuan Thuy]. I have known it all along.

Xuan Thuy: I have told you, without question, if what you are saying meets the aspirations of the Vietnamese people then I can wait as long as necessary to listen to you.

Dr. Kissinger: He has fully recovered. He is in very good shape. I am glad to know it.

Xuan Thuy: I was not very well. I have some inflammation of the throat.

Dr. Kissinger: If I might make a personal comment, I thought you were a little tired at the previous meeting. We were getting concerned about the Minister.

Xuan Thuy: Thank you.

Dr. Kissinger: Can I finish? It will be only two hours. No, seriously, we are practically finished, but I have one more important point to make.

Now it is clear from what you have said here that you are treating negotiations on two planes. Publicly you are working to create the impression of a complete stalemate. This is designed to magnify domestic pressures against us. At the same time, privately, you hope to obtain the maximum concessions from us which, however, you are not prepared to make public. Thus, you have refused to let the considerable progress that has already been made become public. You hope that you can combine the appearance of stalemate with the reality of progress.

This attempt to combine the benefit of every possible course jeopardizes our effort here.

You should have learned by now that this Administration will not shape its conception of the U.S. national interest to your assessment of its domestic necessities.

The Minister last time referred to the negotiations in 1968 when you conducted secret talks with Mr. Harriman and the public sessions continued at Kléber. At that time there was some progress made in private but you maintained the appearance of a stalemate in public. It would be a serious miscalculation [to believe] that this process can be repeated. Such tactics risk once more missing the strategic moment to make a decisive move toward a settlement. I have told you how we think your prospects would have been much stronger if you had been willing to conclude an agreement with us last summer, on the basis of our May 31st proposal.

We believe the timing factor once again is crucial. Being realists, we both know that once we sign an agreement in principle there will be many obstacles to overcome with respect to their details and their implementation. As I have said, we accept your procedural point 3 that addresses this problem—that you and we have a joint responsibility to do all we can to ensure rapid progress in the other negotiating forums. We are willing to undertake that responsibility in good faith and with great seriousness.

It is up to you to choose whether to use this opportunity over the coming months. If you believe that our electoral campaign does generate pressures, you must decide whether these are not better used with respect to the implementing talks in the other forums than on our bilateral discussions in this one. If we can promptly record preliminary agreements here, we can launch the other forums and we can constructively and jointly help to guide their negotiations during this fall. We would do so earnestly and energetically.

This opportunity will be lost if you choose to perpetuate a stalemate until late in our electoral campaign by delaying any preliminary agreements and negotiations in other forums. You would be wrongly applying the tactics of 1968 to 1972. You would risk turning our elections into a national referendum on Vietnam—which as I have told you, will only serve to create a new situation on November 8th. And the many preoccupations of our government in the post-election period may mean that once again a great opportunity has been missed.

You must decide. You can join with us now to reach prompt preliminary agreements and in the coming months work in various forums on the details. Or you can postpone any negotiations in other forums, continue the public stalemate and let events take their course.

We believe it is in our mutual interest, in the interest of the peoples of Indochina, and in the interest of world peace to take the first course. This will be our attitude. Let us at last join in a determined search for peace.

I have finished, Mr. Special Adviser and Mr. Minister. And if this will teach you anything, it is not to ask me to speak first next time.

Thank you. I am sorry to have been so long but I wanted to respond to every one of your points.

Xuan Thuy: I thank you for having spoken not so long as two hours. Less than an hour, so we have a quick break. Now I propose a little break.

Dr. Kissinger: We have worked very seriously on this.

Xuan Thuy: But not yet concrete.

Le Duc Tho: Even the documents if we publish it, it would not settle the problem yet. It is only the details.

Dr. Kissinger: We have settled part of it.

Le Duc Tho: But what is important, what is essential, is to be concrete, because these sentences written in very general terms they can be understood in any way.

Dr. Kissinger: But we took your sentences, Mr. Special Adviser. Have we reached the point where you are now attacking your own proposals?

Le Duc Tho: But our proposal is concrete. Indeed the political question is concrete.

Dr. Kissinger: On the political question we will respond next time.

Le Duc Tho: We will be waiting for that.

[The meeting then broke for lunch, at 12:01 p.m. Tho and Thuy went upstairs, and Dr. Kissinger's party went to the next room where snacks were served—fruit, cakes of glutinous rice, and wine.]

[At 12:35 p.m., Le Duc Tho came down and joined the group. After light banter, Tho and Dr. Kissinger discussed the question of the date for the next meeting. Dr. Kissinger suggested September 8, explaining that the week of the 21st was occupied by the Republican Convention and the following week by the President's scheduled meeting in Hawaii with Japanese Prime Minister Tanaka. Tho replied, "We will discuss it."]

[Tho then raised the subject of Dr. Kissinger's suggestion at the July 19 meeting of a secret session in some location other than Paris. He asked a number of questions about what we had in mind. Dr. Kissinger explained that if substantial progress was made and it was considered useful for him to meet with other members of the Politburo in conditions of total secrecy, the U.S. side was willing. The conversation continued:]

[Dr. Kissinger: The Special Adviser is so tough a negotiator, if he is joined by a few of his colleagues, I don't know if I can handle it.]

[Le Duc Tho (laughing): That is a subjective appreciation.]

[Dr. Kissinger: But there are objective facts too. It will require two things—first, to get away from the atmosphere of suspicion. The Special

Adviser's approach is that our motives are evil, our proposals are incompetent, and our execution dishonorable.]

[Le Duc Tho: No, we discuss your Twelve Points, and our Ten Points.]

[Dr. Kissinger: The other thing is to match up our points to find areas of agreement.]

[Le Duc Tho: You have to respond to the political points.]

[Dr. Kissinger: We could settle the nine points.]

[Le Duc Tho: Point 4 is the key.]

[Minister Xuan Thuy then came down and joined the group at 12:55, and the meeting then resumed formally at the table at 12:58 p.m.]

Dr. Kissinger: We have again a practical problem about transportation.

I have the impression that my Vietnamese colleagues will present something now. Is that impression correct?

Xuan Thuy: Yes.

Dr. Kissinger: The Special Adviser has that determined look.

Xuan Thuy: We will thrust our remarks on what you have just said.

Dr. Kissinger: And hopefully on what we said last time. We are in no hurry. We just wanted to know when the driver should come back. Are we locked in here again?

Xuan Thuy: We have no purpose to keep you here. [Laughter]

Dr. Kissinger: Do these protocols go back to Hanoi word for word, or just a summary?

Xuan Thuy: We send it verbatim. He is informed of all that.

Dr. Kissinger: I am not informed.

Mr. Phuong: Hanoi.

Dr. Kissinger: Oh, Hanoi is informed.

Le Duc Tho: I have one question. As you said, you will go to Saigon to discuss with the people there about the political questions in order to give a response to point 4. But what is your views on point 4 before going to Saigon? Because you will have some idea in mind before going there.

Dr. Kissinger: How do you know?

Le Duc Tho: Because our stand regarding point 4 has been expounded.

Dr. Kissinger: I think, speaking in a very general way, your plan has positive elements and has elements of great difficulty for us.

[Xuan Thuy corrects Mr. Engel's Vietnamese.]

Dr. Kissinger: [to Engel] Is the Minister correcting you?

Xuan Thuy: Mutual help. Cultural exchange.

Dr. Kissinger: I have always suspected it. In other words, when we had General Walters here the Minister had three cracks at it—first my English, then in French, then the Vietnamese.

Xuan Thuy: The better I will understand your views.

Dr. Kissinger: The positive elements include a recognition that some of the preconditions which you have made in the past are not possible. The elements that give us difficulty are those in which you prescribe in very precise detail the outcome of the political process. As I said in my presentation, we cannot be party to imposing a particular solution. But we are prepared to work with you in order to remove some of the concerns that you have expressed. And therefore I have some ideas of how we can accept certain elements of your proposal and perhaps combine them with certain elements of our proposal. But before we can do this we want to form a realistic assessment of where we would go, once an agreement is made, from here to there.

We have studied your proposal with the greatest care and we will make a serious effort. I hope you, too, will look at some of our considerations. In fact, after I have heard the Special Adviser I have a number of questions to ask him about his point 4. I would also appreciate any additional considerations which the Special Adviser and you may give me to help my thinking, so that we can speed up the process. I am going with the attitude of making some modifications in our 12-point proposal, in the direction of what the Special Adviser calls concreteness.

Xuan Thuy: At present there is not any word yet on point 4. Point 4 is left blank.

Dr. Kissinger: The Special Adviser said if we have an obstacle on one point we should go on to the others. Why don't I listen to the Special Adviser now; or to the Minister, whoever it is.

Xuan Thuy: I have one question in this connection. Recently President Nguyen Van Thieu made a statement referring to the continuation of the bombing of North Vietnam, not only on military targets but also on economic targets and to destroy completely the political basis of Vietnam. And for South Vietnam, Nguyen Van Thieu calls for the complete elimination of the Communists up to the roots. What is American views on that score? Therefore the question of Special Adviser Le Duc Tho is relating to these.

Dr. Kissinger: I will answer that question. Of course it is inevitable that President Thieu has somewhat strong feelings on the subject, because you are asking for *his* elimination by the roots. This does not produce dispassionate reactions.

Now let me answer the question. Our bombing policy is not determined or approved by President Thieu. Our objective is not to uproot

the Communist system in the North. We have no quarrel with the governmental structure of the North—except when it engages in activities outside its territory.

As I have told you many times, looking at it as an historian, we want North Vietnam to be strong and autonomous, and we will not fight this war one day in order to destroy you or to undermine your economic viability. So if we could settle the basic issues, the war would not continue one hour in order to do damage to your country. And indeed, as I look ahead over the years I am convinced that we will move eventually from our present enmity to a relation of cooperation, while a Communist government exists in Hanoi. This may sound unbelievable today, but we have brought about many dramatic changes in relations to other countries. So we have no quarrel with the Communist system in the North, and we have every intention to coexist with it creatively and constructively. The day may even come when we will be a support for your independence, rather than a threat to it, though this is a fantastic idea today.

Xuan Thuy: Now my question is that in our view South Vietnam should have a provisional—only a provisional—government of national concord with three components, so as to organize really free and democratic general elections. Since you are now going to Saigon to discuss with those people there, what is your view in connection with this three-segment government of national concord?

Dr. Kissinger: Mr. Special Adviser and Mr. Minister, I told you I will give a definitive view after I have been there. If I express a detailed view now I don't have to go there. We agree with you that there should be genuinely free elections. We have told you that we did not oppose the outcome of these elections. We are trying to find a means for the political forces in South Vietnam to participate in this process, and we have even indicated in our 12-point proposal that we are prepared to agree to a process of constitutional revision. I would like to study the conditions and see how these objectives can be combined with some of your ideas and some of our ideas.

Le Duc Tho: When I ask you questions you always respond in general terms. Now let me put you a very concrete question. Now in South Vietnam there are in reality two governments, two armies, and three political forces. Do you recognize the existence of this reality of the situation of South Vietnam?

Dr. Kissinger: I recognize the reality that there are two armies—most of one of which happens to be yours—and two governments. As far as the political forces are concerned, there are two.

Mr. Phuong: There are three, three political forces.

Dr. Kissinger: I know three political forces. I agree that there are at least two forces, and then some amorphous political ground which

I don't put on the same level nor do you. I recognize there are two armies, two political structures, and then a third which is amorphous.

Le Duc Tho: Since you recognize the existence of these three political forces—

Dr. Kissinger: Two and a half.

Le Duc Tho: Then how can you realize the national concord, without any party making annexation or coercion of the other party, and without domination by any party and all parties have equal rights?

Dr. Kissinger: That is what I would like to work out over the next week.

Mr. Special Adviser, Mr. Minister, maybe we can't come to an agreement, but I cannot fail to understand what your concern is and I believe you cannot fail to understand what our concern is. Let me explain what I believe the difference is.

You believe that we really, by some trick, are trying to maintain the existing political structure. We believe that you are really trying to disintegrate the existing structure at the very beginning of the process. And having disintegrated it there won't be three forces left in Vietnam. The only real force that will be left is yours.

Le Duc Tho: But according to your proposal, your proposal is aimed at eliminating the forces of the Provisional Revolutionary Government.

Dr. Kissinger: Let me finish. This is the difference. And contrary to you I don't accuse you of bad faith. It is a difficult problem. Last year the Special Adviser made a point to me which I have thought about a great deal. He said, "We did not fight 25 years just to have peace. We fought 25 years to have a specific political objective." So the Special Adviser sees I think about him even though he punishes me all the time. [They laugh.]

Now what I am trying to find is a middle position that meets your concern that we are trying to eliminate the PRG forces and that meets our concern that you are trying to eliminate the other forces. There can't be any trickery. You understand the political problem much better than we do.

So if you work with us in this direction we will make a very serious effort.

Le Duc Tho: Now I have another question on another subject. Do you agree with me that after our two sides, the U.S. and the Democratic Republic of Vietnam, have reached agreement on all military and political questions, only after that we open other forums? Then let the PRG and the Saigon government discuss and settle the principles and main contents of the political questions, and only when an overall agreement is reached, then a ceasefire takes place? What is your view on that subject?

Dr. Kissinger: With respect to the forums, of course the second and third forum—that is to say the forum between the PRG and GVN and the forum between the PRG–GVN and Democratic Republic—those two cannot be opened until a general agreement takes place. As regards the fourth forum, the Avenue Kléber forum, that already exists. How can I fail to know it, since I have to read the Minister's speech every Thursday! So my proposal with respect to the fourth forum is to give it some of the topics on which we have already agreed in principle to work out the technical modalities. And without prejudice to the other forums or the other discussions.

As for the ceasefire, we have a difference in perspective. Your side holds the ceasefire only at the end of all the agreements among all the parties—if I understand this correctly.

Le Duc Tho: Right.

Dr. Kissinger: We recommend that there be a ceasefire after we have settled the principal questions in the first forum. But that is a subject that we can discuss further.

Le Duc Tho: Regarding the timing of the ceasefire: There still is a difference between me and you. We shall have further discussion.

Dr. Kissinger: Yes, but the issue cannot arise until we have reached an agreement on point 4 anyway. But of course we have offered a separate ceasefire, as you know. But for this moment we understand your position. We are prepared—just so that we are not confused—to discuss it separately whenever you want to. We don't insist on it though.

Le Duc Tho: What we are demanding is this: a ceasefire after an overall agreement.

Dr. Kissinger: The question is: a ceasefire after you and we have agreed, or a ceasefire after everyone has agreed in every forum?

Le Duc Tho: We recognize the ceasefire after agreement is reached in all forums on all questions.

Dr. Kissinger: But this would still not exclude that we discuss the nature of a standstill ceasefire, so that when we reach it we know what we are implementing.

Le Duc Tho: Our view is different. We would like to see the settlement of the whole questions—military, political and others—and then proceed to a ceasefire.

Dr. Kissinger: I understand.

Le Duc Tho: Now let me express my views. First of all I would like to speak about the negotiations we are continuing with you. Then I would like to speak about the principles you have formulated here, in comparison with the 12 points you have put forward, and to compare

them with our own 10 points, to see what are the outstanding questions, what are the questions that remain to be solved.

Of late you spent too much time about the question of announcing the private meetings. Then you sent us a message putting a condition for the private meeting of today, August 14, that the two parties have agreed upon, and you threatened to cancel this meeting. Thus simply for the reason of information on the private meetings you intended to give up the negotiations; the negotiations had been agreed to be without the conditions. Therefore we wonder whether you are really serious to be genuine in negotiations. The reason you mention that explains that, we easily have distrust for each other. But this is the reason. Last time you said that if we used the private meetings to stir up American public opinion during an election year you would end the negotiations. And this time you have imposed preconditions saying that if we disagreed to the announcement of the private meetings you would also halt the private meetings.

Dr. Kissinger: Nothing of the kind. Mr. Special Adviser, we are really wasting a lot of time on these special points of yours.

Le Duc Tho: But this is important.

Dr. Kissinger: With all due respect, if you look over the records of my meetings with you, you will find that I never begin a discussion with an attack on your good faith and you have always started with an attack on us. That just has to stop. Now at the end of our last meeting you asked me to let you know whether we felt it was necessary to announce the meeting. I told you I would let you know within three days. This was the context within which my message was drafted. Now you happen to construe it as a condition, which is as much a reflection on you as it is on us.

Now as for the rest, Mr. Special Adviser, it is not unknown that you have been trying to have an influence on our domestic opinion. And all we are telling you is as long as you negotiate with us, that is one situation; if simultaneously you conduct negotiations with a lot of private persons that is another situation.

Le Duc Tho: I agree that you have sent a message to us as agreed. But the content of the message is objectionable. In the message you say unless you agreed to the announcement of the private meetings we will cancel them.

Dr. Kissinger: We said no such thing. We said it is up to the North Vietnamese side to assess whether you have meetings under these conditions, which was an invitation to your comment. But it is very strange to me, Mr. Special Adviser, I have made three lengthy statements to you in which I have told you that we are serious, why we are serious, and what we plan to do. You never quote those. You quote

half a sentence out of context which as soon as we focussed on it here was settled in a spirit of mutual consultation.

Le Duc Tho: In your message you said that it is up to the Vietnamese side to decide whether to want the August 14 meeting on the basis of the announcements of the private meetings. So you put preconditions for today's meeting. I raise this much just for better comprehension and mutual understanding, to avoid.

Dr. Kissinger: Mr. Special Adviser, I will even grant you we have an unequal relationship, because you never grant me that anything I say has any merit—which is statistically impossible. In 16 meetings I am bound to have said something that has merit, if only by accident.

So it is even possible to construe that message to you in this very specialized way. However as soon as we understood how you interpreted it, we immediately informed you we are coming to this meeting, even though you never agreed to this proposition. So our actions are clearer, are more significant.

Le Duc Tho: No, this is proof of our good will, because we have answered you that "Let us have the meeting and we shall discuss this question here." I would like to raise these questions for the future, to avoid such things for the future, because these threats of military pressure have no effect on us. So through the last two private meetings we have come here with a serious intent to negotiate so as to rapidly end the war, to restore peace on the basis of respect for our people's fundamental national rights.

Even for Kléber Street sessions, it is not true that we wanted to use the Kléber Street sessions to create the impression that the negotiations are deadlocked while actually in the private meetings there has been progress. In fact our last two meetings have not brought about any basic settlement. In these two meetings both sides have just shown their good will. We have expressed our views of good will; you too. We have put forward our proposal of good will, you too. But we have not reached any basic settlement. If we achieved great progress, for good reasons it is natural that Kléber Street forum should be changed in atmosphere.

And for this forum, the private meetings, we don't use them to stir American public opinion in the year of election. We don't wait for the outcome of the American elections as you say, because it is America's internal affair. But instead you have used these private meetings for propaganda purposes during the American Presidential campaign, sowing confusion in world public opinion.

In a spirit of good will and serious intent, we have advanced constructive proposals in order to achieve a peaceful solution of the Vietnam problem. If you also come here and negotiate these in the

same spirit of good will and serious intent and, as you said, if there is mutual understanding, good faith and mutual trust, then the problem can be settled by both parties.

Dr. Kissinger: [to Mr. Phuong] Excuse me. Is that an English text? Could we get that afterwards?

Mr. Phuong: This is the only one we have.

Le Duc Tho: If on the one hand you continue to use the threats and to make military pressure and on the other to use this forum for propaganda purposes for the election campaign, if you refuse to negotiate seriously, if you drag the negotiations on to deceive us and public opinion, then we have to take measures to counter your actions. And if you continue these actions it would be a great mistake, and the war will be prolonged, the negotiations will be deadlocked, and you will have to bear full responsibility for such a situation.

We believe that there are now two paths for you to choose. Either you will engage in really serious negotiations to reach a peaceful solution to the Vietnam problem, or you will continue using threats and military pressure and at the same time using these negotiations for propaganda in your election campaign to deceive us and public opinion.

Dr. Kissinger: I object. I won't accept this. We are not using these negotiations in an election campaign. We are not using the negotiations to deceive you.

Le Duc Tho: If you negotiate on the one hand to continue with the path I have just mentioned on the negotiations, then this is a contradiction that you will not be able to solve. We never yield to threats or to military pressure, just like we never let ourselves be fooled by others. Over the past 20 years in fighting as well as in negotiations you have realized this attitude of ours. Now you suspect that we are using these negotiations to stir up public opinion in the U.S. during an election year. And for us we suspect that you are using this forum of negotiations for propaganda purposes during an election campaign and to drag out the negotiations. Therefore we should remove this mutual distrust and to promote mutual understanding if you want to reach a peaceful settlement.

Dr. Kissinger: I will tell you a good way to remove this mutual distrust—just to remove these accusations from the beginning of each of your statements.

Le Duc Tho: It is my wish that this is the last time I have to adopt this way of making statement, because I am forced to do that. Because we have received your message and the happenings after our two last private meetings . . .

Dr. Kissinger: There were no happenings that could even be remotely construed in this sense after the last meeting. There weren't

after the first meeting either, but after the last meeting we took extraordinary pains not to have it done. I think these accusations are a reflection not on us but on you.

Le Duc Tho: The reason that we have these statements is originated by your attitude.

Dr. Kissinger: Well, we have gone over this at the beginning of the session and I won't repeat what I have said. So just know that I reject what you are saying.

Le Duc Tho: It is up to you to reject my statement but it is my right to express my views on your action.

Dr. Kissinger: Certainly. The fact that there aren't any actions shouldn't deter you from making your statement.

Le Duc Tho: It is precisely due to your actions that make me make this statement. Therefore it is my view that the best way to settle the problem is to engage in serious negotiation. We should have good will and mutual understanding, then settlement is possible. If it is your desire to have a rapid progress, more rapid progress, there is no other way.

Now let me make some remarks on your statement. We have carefully studied the "Guiding Principles" you have expressed for a settlement.

Dr. Kissinger: Today?

Le Duc Tho: The other time. The last meeting. For today's statement I only make preliminary remarks. We shall continue to study the document you have given us. The next time we shall continue to express remarks. Now let me express my views on a number of main questions in your 12 points.

Now, comparing the Principles Guiding a Settlement and the 12 points given us, comparing them with our solution in 10 points and comparing them with our proposal on the conduct of negotiations, and with our general views we have expressed, we realize that you have rearranged your proposals to meet our proposals and our views. You have rearranged your 12 points and our 10 points. After comparison, we realize that your views and our views are still far apart.

Dr. Kissinger: You gave me confidence there for a minute. I thought there might be a historic breakthrough, with you indicating agreement with one point.

Le Duc Tho: No, your hope comes very easy. You blew hot and cold. Your optimism and pessimism very easily change.

We have raised a number of major questions, particularly the key questions of the political problem of South Vietnam between you and us. And our views are still very different in that subject. In the main you still want to maintain the Saigon Administration to implement

U.S. neocolonialism in South Vietnam. You don't recognize the reality of the situation of South Vietnam—that is, two governments in South Vietnam, two armies, and three political forces. You want to leave aside the PRG. Therefore your proposal on the political question in South Vietnam are opposed to the basic principle you expressed on July 19—such as, “The U.S. seeks a settlement which respects the independence of Vietnam and the right to self-determination of the South Vietnam people;” “the United States does not demand a pro-American government in Saigon.” So when you merge your principles with our principles, then your formulation is similar to our general views only in some sentences, but they are far different in substance. Your proposal on the political question is just the contrary of the principle you have formulated on the political question.

As regards the military questions, last time you put point 3 of the PRG's 7 points in point 10 of your 12 points. Today you say that the question of Vietnamese armed forces will be settled at the 3-party forum.

Dr. Kissinger: Or at the two-party.

Le Duc Tho: It is clear that you imply a demand for the withdrawal of North Vietnamese troops from South Vietnam, which is morally, politically and legally wrong, and that is a demand that we cannot accept.

Besides, the two sides views there are also completely different regarding the timing and the implementation of the solution.

Those are the major outstanding problems. We may come to an agreement on a certain number of questions of principles, but if you go into specific questions there are still differences.

You asked me the question of release of all captured servicemen throughout Indochina, the question of ceasefire throughout Indochina, the question of U.S. military aid to the Saigon Administration, the question of replacement of war material, the question of U.S. responsibility for the healing of the wounds of war in the two zones of Vietnam, and also the way to conduct our negotiations. In these matters there are still differences of view. Therefore after studying the principles and the 12 points that you put forward at the last meeting, we see that there are still many questions that remain to be discussed and solved.

Now I would like to speak about some main questions.

Just let me say a few words about the question of power in South Vietnam, of the differences there between us.

As we have just pointed out, in the main you wanted to maintain the Saigon Administration, while we advocate the formation of the new administration in South Vietnam reflecting the actual political situation of South Vietnam. You only bring about formal changes to

the present Saigon Administration, but essentially you keep it intact although it is dictatorial and fascistic regime which does not correspond to the present reality of South Vietnam. As we said last time, the reality of South Vietnam is that there are two governments, two armies and three political forces in South Vietnam. You should acknowledge this reality. In a settlement, if this objective reality is ignored and a government of national concord with the components as we have described is not set up, then the political question of South Vietnam cannot be resolved. The independence, the neutrality, the democratic and lasting peace in South Vietnam cannot be insured.

You proposed a two-stage political process in South Vietnam, but your two stages are different from our two stages. In the first stage of our proposal, a three-segment provisional government of national concord would be formed, as we described to you last time. The three-segment provisional government of national concord will manage the external and internal affairs of South Vietnam from the period between the restoration of peace and the general elections, and will organize the general elections by universal suffrage. In the second stage the general elections by universal suffrage will elect a constituent assembly. The assembly will work out the constitution and set up the definitive government of South Vietnam.

Our two-stage political process will insure genuine equality and democracy. There will be no coercion and annexation from either party. The parties will together find a peaceful solution to their disputes. The process will reflect all political forces of South Vietnam; all forces from right to left will freely participate in the government, thus reflecting the deep aspirations of the South Vietnam people.

On the contrary, according to your proposal, in the first stage only Nguyen Van Thieu will be replaced and the Saigon administration will remain intact with no change at all. A so-called electoral commission will be organized including the representatives of all political forces. You said such a commission would be an independent body. You did accept that Article 14(c) of the Geneva Agreements would be enforced before the elections, yet an electoral commission functioning in the framework of such an administration which controls a huge machinery of repression and has every means of propaganda will have but an appearance of independence, while in practice there cannot be independence and democracy under such an administration.

In the second stage you propose a Presidential election and thereafter the political forces may be appointed or elected by the Saigon Administration to various positions in the Saigon Administration. Within one year after the Presidential election the political forces will meet to amend the constitution and agree on measures to implement the amended constitution. How the constitution will be amended is

not clear. So you maintain not only the Saigon Administration but also its constitution. You simply amend the constitution, you don't change it—although it is a constitution illegally worked out on U.S. wants and not one drafted by an assembly of the people.

Such is your whole process from the first stage to the second stage. It is clear that you deliberately deny the role and position of the PRG of the Republic of South Vietnam, which is the leader and the organizer of the struggle of the South Vietnam people for a peaceful, independent and neutral South Vietnam. It is clear that your aim is to maintain the present Saigon Administration. If there is any change, the change is made in the framework of the Saigon institutions and constitution. It is but a small formal change.

Thus, how can the South Vietnam people be guaranteed of the right to decide themselves their own future, as you affirm at the July 19 meeting? How can credit be given to your statement of principles that the U.S. will not ask for a pro-American government in Saigon? Therefore your proposal on the political process in South Vietnam is at variance with the principles you have formulated. In our view, in order to achieve lasting peace and an independent, neutral and democratic South Vietnam, it is essential that a three-segment government be formed reflecting the actual political situation of South Vietnam. Only in this way could war be ended and the Vietnam problem be settled in a fair and reasonable way. If the United States really wants to settle the problem it should proceed from the real situation that there are in South Vietnam two administrations and two armies. If the United States wants to liquidate one side and maintain the other, the question will remain unsolved. The United States cannot use maneuvers and negotiations to achieve what its military forces failed to achieve during the past 10 years. Therefore, so long as the question of forming a three-segment administration is not settled, the war cannot be peacefully settled.

Now I will deal with the second question of the timing and the implementation of the political questions. Regarding the timing and the implementation of the political questions, our views and yours are utterly different. We hold that we and you should agree on all military questions and the principles and main contents of the political questions, after which we open the forums with the Saigon Administration, the three-party forum. When an overall settlement is reached and the overall agreement is signed, the ceasefire will begin.

As for you, you want that the military questions and the principles of the political questions will be resolved between we and you, that we sign a general agreement and then a ceasefire will take place, and thereafter the Vietnamese parties will start discussing the political questions, the principles of which will have been agreed upon by you

and we. Although you said you don't want to separate the political questions from the military questions, you insisted on the ceasefire before the settlement of the political questions, so practically you separate the basic parts of the political question. And the United States proposal on the political process in South Vietnam—basically your aim is to maintain the present Saigon Administration.

You said that the political questions should be settled by the Vietnamese themselves, that if we could help you to do so, all other questions would be easily resolved. We have taken into account this concern of yours and we have agreed to drop the demand of Thieu's immediate resignation before the PRG starts its conversation with the Saigon Administration. Instead we have put off Thieu's resignation until after the overall settlement has been reached. Thus, we have created favorable conditions for an agreement to be reached before a ceasefire takes place. Therefore you have now no reason to delay the discussions and the agreement between you and we on all the military questions and political questions we have raised, so that the forums between the Vietnamese parties may be rapidly opened for the settlement of the problems we have agreed upon. You have no reason now to delay the discussion of the political questions by the Vietnamese parties until after the ceasefire. That is the reason why we advocate that after you and we agree on the principles and main contents of the political questions the Vietnamese parties will discuss, and a ceasefire will come only after agreement is reached. This is the most logical solution.

And now there is another question. The resignation of Nguyen Van Thieu and the change of policy by the Saigon Administration. We have made a great concession to agree to Thieu's resignation after agreement, and not to demand his immediate resignation. However we demand a change of policy by the present Saigon Administration. This demand not only meets the deep aspirations of the South Vietnamese people, who cannot live indefinitely in this dictatorial and fascist regime, and also creates conditions for a settlement and the realization of national concord. Therefore it is very necessary that the Saigon Administration should change its policy.

At present the Thieu Administration is pursuing a very dictatorial and fascist policy. Even the arbitrarily-elected Saigon assembly is not allowed to have any part. The Saigon press is being held by very harsh lines and not allowed to be open. Therefore the change of policy by the Saigon Administration and the democratic liberties provided for by the 1954 Geneva Agreements are a condition for the beginning of direct talks by the PRG and the Saigon Administration.

Now let me speak about the military questions. First of all we would like to state that we still maintain our view regarding the question of the Vietnamese armed forces in South Vietnam. This question should

be resolved by the Vietnamese parties, as point 3 of the PRG 7 points has proposed. More specifically, this question will be settled by the two-party forum, by the PRG and the Saigon Administration among themselves as point 5 of our 10 points of August 1 indicated. It will not do to merge point 3 of the 7 points with point 10 of your 12 points or to refer this question for discussion at the three-party forum as you say.

Putting this question as you have it means dividing Vietnam into two states. You hold that North Vietnam has made aggression against South Vietnam and you imply a demand that North Vietnamese troops pull out from South Vietnam. We definitely say that you will never be able to put in practice this scheme. Through the four years of negotiations we have consistently refused this. We have maintained this position. It is because you have waged aggression against our people, and you have scrapped the 1954 Geneva Agreements, that our entire people are on the same front line to fight against this aggression. To put the problem as you would is legally, morally and politically contrary to the substance of the matter. At one of our private meetings in 1971 you yourself acknowledged that legally, morally and politically this question cannot be approached that way. This is the correct way of posing the question of Vietnamese forces in South Vietnam, as in point 3 of the 7 points.

Now, regarding the question of ceasefire throughout Indochina and the release of servicemen of the parties captured all over Indochina: As we told you at the July 19 private meeting, your intensification of the war in Laos and your expansion of the war in Cambodia has strengthened the solidarity of the Indochinese peoples and their determination to struggle together for their individual rights. This is the historic necessity of the three Indochinese peoples. However, once we have solved the Vietnam problem with you and have come to a ceasefire, once peace is restored in Vietnam, there is no reason that [with] the Western frontiers of the two zones in Vietnam in peace we want to have Laos and Cambodia where the war goes on and where the captured servicemen are not released and no ceasefire.

However, there is the political and legal question of the ceasefire in Laos and Cambodia, as well as the release of civilians and servicemen of the parties captured in Laos and Cambodia, come under the competence of the Laos and Cambodian parties. In consequence, in the scope of the negotiations with you we cannot resolve these questions for the Laos and Cambodian parties. We want negotiations between the concerned parties of Laos and Cambodia to settle these questions. At all of our private meetings in 1971, you yourself said that the settlement of the problems of Laos and Cambodia did not come under the competence of this forum.

We clearly told you that the progress of the peaceful settlement of the Vietnam problem will positively contribute to the restoration of peace in all Indochina. We can assure you that this will certainly be so.

Another military question, the period for the total withdrawal of U.S. forces and those of other forces in the U.S. camp. We have proposed a period of one month. So we have shown some flexibility. As for you, in January 1972, you proposed a 6-month period. Over half a year has now elapsed and you still ask for 4 months. If this is agreed, the period is much longer than before, and even so, even though we have made a proposal today, you have not responded on the question of the period of troop withdrawal.

Another question, the question of military aid, the question of replacement of armament and replacement of war material. We already expressed our views on the question of military aid to the Saigon Administration at our last meeting. This question is dealt with in point 2 of our 10 points. Regarding this question there still is differences between us. Regarding the question of replacement of armaments and war material, we are of the view that since you complete the withdrawal of your forces from our country in such a short period there is no need for such replacement, since you have pointed out this replacement is not necessary.

Regarding now the question of standstill ceasefire. We have agreed that there will be a stand-still ceasefire, under international control and supervision, in South Vietnam. However our stand is still different with regard to the timing of the ceasefire, as I pointed out today. That question is still to be discussed and solved.

After expressing my views on the military and political questions, let me now address the responsibility of the Americans to repair the damage of the South Vietnamese so as to heal the wounds of war. We think, after so many years of war in both zones of North and South Vietnam you have caused a great deal of losses. Therefore the U.S. has responsibility on this question. We agree not to use the word "war reparations." You can propose another appropriate wording, providing you assume that responsibility in this question. This question should be written in the agreement signed by the parties, and not, as you said, before the conclusion of the negotiations you would put forward a specific amount for consideration. This method is unfair. This question, if not appropriately solved, will also constitute a serious roadblock between you and we.

I have above expressed my views on the differences we have in the question of principles and I have expressed my view on the great questions of a solution. The comparison of your 12 points and our 10 points shows there are specific questions on which our views still differ. We should therefore discuss these questions and in the first place the

political questions. And there remains also some specific questions, some details. When we discuss these items we shall make known our opinions.

We have made a proposal on the way to conduct negotiations. But through what you have just said today I see we still have a difference of view on that score. Our understanding is that after the settlement of all military and political questions at this forum between the U.S. and DRV, then we shall refer the questions we have agreed upon to the two-party forum and the three-party forum. And the work of the four-party forum will develop to conclude an overall agreement. We don't agree that after agreement on one question is reached here we should refer the question for discussion at Kléber Street.

Moreover, the contents of the forums, the four forums, we still have some differences of view too. For instance, the question of Vietnamese armed forces in South Vietnam you proposed will be discussed at the third forum. I think that this question should not be discussed at this forum, at the third forum.

As to the signing of the agreements, we can have many kinds of agreements to be signed—bilateral, tripartite, four-party agreements. But the contents of the agreement on which questions will be signed at which forum is a question to be discussed. For instance, the military question: if they were only signed between the DRVN and the U.S., this will not be appropriate. Because the military questions concern not only the North Vietnamese and the United States but also South Vietnam and the United States, and sometime four parties, three parties. As for your proposal on an international forum including Laos and Cambodia to discuss and settle the Indochinese problem, we shall consider this proposal.

So I have pointed out the difference between our views and your views. It is my wish that these questions should be rapidly settled between you and us so that we can rapidly open the other forums for settlement of other questions, to rapidly end the war and rapidly to restore peace in Vietnam, in the interest of the Vietnamese and the American people and in the interest of peace.

I have now finished my presentation. Please now put your questions. Now I hope that the next time we meet we shall go directly into discussions of main problems. And I also wish that the next time when we meet I shall not have to repeat the beginning, the words I have begun my presentation with. But this depends not only on us but on you too.

Dr. Kissinger: It depends entirely on you and I have now presented my view [on this subject of press handling]. I am not going to say anything further.

Le Duc Tho: If you want to discuss the subject on that point, then Minister Xuan Thuy has a few words.

Dr. Kissinger: Let us have a 5-minute break. After the Minister is finished then I will ask a few questions.

Xuan Thuy: Regarding the negotiations with the DRV and the U.S. in 1968 that Mr. Adviser Kissinger has just referred to. At the last meeting I told you that in 1968 while public sessions were held at Kléber Street there were actually private meetings between me and Ambassador Harriman. There is another fact, that it is not we who are using the Kléber Street sessions for propaganda purposes, because speaking of propaganda, it is the United States which has more means for propaganda. In fact, at the negotiations between the DRV and U.S. in 1968 our demand was the U.S. complete cessation and unconditional cessation of the bombing of North Vietnam before we begin to discuss other questions. As for the U.S. side it demanded that we discuss other questions that we considered unreasonable. For instance, the U.S. side at that time had the view that North Vietnam was violating the 1954 Geneva Agreements and was making aggression against the South Vietnamese, and in consequence the U.S. side demanded a mutual troop withdrawal. As for us, we maintain the view that it was the U.S. which violated the 1954 Geneva Agreements, which has set up a puppet government in South Vietnam, which has brought U.S. forces to South Vietnam for aggression. Therefore the U.S. should put an end to this aggression. By the end of October 1968 the United States agreed to put a complete and unconditional end to all bombing and all acts of war against the DRV. And thereafter the Paris four-party conference was open for the peaceful settlement of the Vietnam problem.

So the agreement was reached between the DRV and the U.S. at the private, the secret negotiations, before it was made public.

I would like to speak about another question, the question of Vietnam toward the elections in the United States. It is not true that we want to make the U.S. election a referendum on the Vietnam question in the United States as you claim. It is not a question liked by us or unliked by us, we wish for or we don't wish for. It is a question raised by the U.S. Presidential candidates opposed to the present Administration in the U.S., particularly by the American people. If you had settled the Vietnam problem with us in 1969 or 1970 or 1971 this question would not become an issue now. It is our persistent view that the Presidential election in the U.S. is an internal affair of the American people. It is up to them to decide. If you want that the Vietnam problem not become an issue during the election campaign though, we should rapidly discuss and settle the problems.

Dr. Kissinger: We don't care. We are relaxed about it.

Xuan Thuy: Then the other forums will be open.

Dr. Kissinger: We don't care. We will handle the election. Just don't overestimate what we will do because of the election. It would be a major mistake.

Xuan Thuy: Usually we have never mentioned about the American election at this private meeting. You raised the question of elections; then I have to speak.

Dr. Kissinger: No, I have told you first of all I will not discuss the election. Second, we will do nothing because of the election. You have made many mistakes, on what I have told you, in regard to the offensive and other matters. You did not believe me. I will tell you now we will do nothing because of the elections. We will talk to you seriously. We will do nothing about removing Vietnam as an issue unless we can find a just solution to both sides. But we will talk to you seriously and we will attempt to find a solution.

Xuan Thuy: You see, in our presentation in the course of the past two private meetings we have made no mention at all about American elections. But you have raised the question of American elections.

Dr. Kissinger: I understood what you said and I shall answer it. Are you finished Mr. Minister?

Xuan Thuy: This is a summary of the views we have expressed. [Hands over text at Tab D]

Dr. Kissinger: Thank you. Now may I ask for a very brief interruption? Say 10 minutes? Then I will give my response to the Special Adviser and ask a few questions. Then perhaps we should adjourn.

[There was a break from 3:10–3:27 p.m., with light conversation including Dr. Kissinger's asking Le Duc Tho whether he had been offered the Democratic Vice Presidential nomination.]

Dr. Kissinger: Mr. Special Adviser and Mr. Minister, I have listened to your presentation with great attention, and you can be certain that we will study your remarks with great attention. For now, I want to make a few very general observations. Then I will ask a few questions to help us in our consideration of your remarks.

I agree with the Special Adviser that the biggest difficulty we confront is the great distrust that exists between both sides. If we could settle this, it might be possible to solve the other issues. Because no negotiation is going to be able to deal with every conceivable question, and some amount of confidence must be imperative if we are to complete our work successfully. But in this spirit I may make a general remark about your presentation, Mr. Special Adviser and Mr. Minister, I do it in a spirit to have our future discussions as constructive as possible. I must be frank to say that I was somewhat disappointed at the Special Adviser's presentation, not because he didn't agree with every point we made—he has not exactly spoiled us in that respect

[laughter]—but because of the method that is being pursued. When you study our response to your 10 points I think you will find that we made a major effort to find the positive elements on which we could agree. We thought that if we could settle all the issues except the political one we could then be able to work with special energy and dedication on the political one. But now, as the Special Adviser has gone through his presentation, he has been at pains to point out that we have not really agreed on anything. So instead of going to Saigon with the attitude that if we can only settle the political issue everything else will be solved, I am now going with the complexity that we are really in a situation where whatever concession we make, or whatever modification of our proposal, will just open the way to yet additional demands. While the political issue is the essential one, we haven't agreed on any of the others either. It is of course your privilege to do this. But it makes progress somewhat more complex.

[Mr. Phuong helps with the translation and explains the point. He and Thuy confer.]

Mr. Minister, have you been studying English, or have you known it all along? [laughter]

So I take note of this, and we will continue to work on our effort to find the positive elements. But I would like to point out that it is important that both sides approach this negotiation not just with abstract assertions of good will, but with concrete serious effort to find the positive elements and not only the negative ones.

With respect to the opening of the various forums, your overwhelming fear seems to be that to discuss anything concrete in Avenue Kléber may give an impression of hope, and therefore you refuse to discuss there even the technical modalities of a ceasefire, even though we have agreed there will be a standstill ceasefire and even though we have agreed that it is necessary that it be discussed. But the result of this is only that the implementation of the agreement will be delayed.

I can understand not opening the new forums; I find it difficult to understand why the existing forum to which we already agreed in 1968 cannot be used for constructive negotiations. It is not that we have not heard each other's speeches already. But it is your decision, and we abide by it. We have no interest in speeding this up any faster than you are prepared to move.

Now, if I might, I would like to ask some questions, first about the presentation that the Special Adviser made, and then about your specific proposal.

First, at the end, as I understand the Minister when he was discussing the 1968 negotiation, his point was that the agreement we made was for an end of the bombing in return for the opening of the Kléber

forum, and that such other considerations as mutual withdrawal and other matters bore no relationship to that. Did I understand that correctly?

Xuan Thuy: It was agreed to cease completely and unconditionally all bombing and other acts of war against North Vietnam, and thereafter the Paris four-party conference would be opened for the peaceful settlement of the Vietnam problem.

Dr. Kissinger: But there were no other relationships, for mutual withdrawal?

Xuan Thuy: We firmly expressed our stand that there were not. We rejected all demands on mutual withdrawal.

Dr. Kissinger: I thought I understood you to say this. Now let me ask another question. And I have to do this on the basis of my memory, so please be patient. Did I understand the Special Adviser correctly that he is saying that the sum of \$8 billion has to be written into the agreement but that we can use another phrase except “reparations?” [They nod yes] But it has to be stated as one of the articles of our agreement, as an obligation of the U.S.?

Le Duc Tho: In our view, what is important is the substance of the question, the responsibility of the U.S. in rebuilding, in healing the wounds of war in our country. As to the wording, we can use other words than “war reparations.” It can be other.

Dr. Kissinger: I am trying to understand. It must be part of the agreement. It cannot be an understanding?

Le Duc Tho: We feel that it should be written in the agreement.

Dr. Kissinger: I am just asking, I am not debating it now. Your concession is that we do not have to use the word “reparation” but some formulation that expresses our obligation to pay \$8 billion to Vietnam, of which \$4.5 billion goes to North Vietnam? That obligation remains.

Le Duc Tho: Yes.

Dr. Kissinger: Over what period of time, do you think?

Le Duc Tho: As to that specific point, detail, we should discuss it later.

Dr. Kissinger: All right.

Le Duc Tho: I think you raised a period of 5 years.

Dr. Kissinger: All right. I understand now. Then, under point 2, I am a little bit confused. You say, “U.S. military aid for the Saigon Administration when the ceasefire comes into force in South Vietnam”—that is from point 2—but you also say that “the ceasefire comes into force only when the overall agreement is signed.” And when the overall agreement is signed, according to your proposal, a government of

national concord comes into being. Do you visualize that the Saigon Administration continues in being after the government of national concord is formed?

Le Duc Tho: As we understand, we should now discuss all the military questions and political questions and settle all these questions before we proceed to a ceasefire. And once the ceasefire begins, then the U.S. military aid should stop. Because if the military aid continues after the ceasefire, then this would increase the danger of the resumption of hostilities in South Vietnam.

Dr. Kissinger: Yes, but what I don't understand is: Is there a time interval between the ceasefire and the establishment of the government of national concord?

Le Duc Tho: As we understand, after the U.S. and DRV come to an agreement in principle on all military and political questions, then a second forum will be open between the PRG and the Saigon Administration to discuss and settle the details of the principles and the specific questions which have been agreed on. And when agreement is reached at the second forum, then there will be a ceasefire and when the ceasefire begins, since all agreement was reached at the second forum, then after this the government of national concord will assume its responsibilities. When the government of national concord assumes its obligations, then the PRG and the Saigon Administration have no reason to exist.

Dr. Kissinger: Then why do we have to stop supporting the Saigon Administration at that point, since it no longer exists?

Le Duc Tho: We think that after the formation of the government of national concord, then military aid should be stopped to any government in South Vietnam.

Dr. Kissinger: Including the PRG?

Le Duc Tho: Because the inception of the government of national concord then there will be a new situation. So the diplomatic relations with the other governments will be decided by the government of national concord including the question you raise.

Dr. Kissinger: What if it asks us for aid?

Le Duc Tho: We shall discuss this later. This is the discussion of specific questions. Since you have not yet agreed to the formation of a three-segment government, how can we discuss it?

Dr. Kissinger: Of course, our experience has been once we agree on something you raise a new demand. But this may be a misunderstanding of your actions. [laughter] I don't want to do you an injustice because I recognize your good will. Now let me ask another question.

At the last meeting I asked you what happens to the provincial administration. You replied then that the provincial administration there would be three types: one which would continue to be governed

by the Saigon Administration, a second which would be governed by the PRG, and the contested areas would have national concord administration. Did I understand that correctly?

Le Duc Tho: We said local administrations.

Dr. Kissinger: I am talking about local administrations.

Le Duc Tho: Let me reply to this question. Last time, sir, I told you that [in] those localities controlled by the Saigon Administration there will be formed a local administration directed by the Saigon Administration. In those localities controlled by the PRG there will be an administration by the PRG, but in those contested areas where there are people's, popular, revolutionary movements, then there will be formed a three-segment local administration. But practically speaking, in fact in South Vietnam there is a popular movement everywhere in South Vietnam. Therefore you can see that in most places there will be three-segment administrations.

Dr. Kissinger: Except in those controlled by the PRG.

Le Duc Tho: I think that once the three-segment government of national concord is formed at the central level, then it is advisable that in any locality there should be also a three-segment government.

Dr. Kissinger: So every province will have a three-segment government?

Le Duc Tho: Then only this way can we realize the national concord. There will be no opposition. Because at present in many provinces there are armed forces by the PRG and Saigon administration. Without the national concord these opposing forces will be in constant dispute. Therefore we think it necessary that from the central level to the local level there should be three-segment administration. The actual situation in South Vietnam is that there are forces from both sides in every province. If there is no three-segment administration of national concord then the conflict will continue indefinitely. If you agree on the formation of the three-segment government, we and you will discuss measures to be taken to assure that this administration of three components will exist for a long-term existence. Once the three-segment government of national concord is formed, we and you will discuss measures to assure that national concord will be realized throughout the South of Vietnam, to avoid any resumption of hostilities, and for the preservation of lasting peace in South Vietnam, in the interest of the Vietnamese people and in the interest of the relations of the U.S. and . . .

Dr. Kissinger: We can't send any more arms to South Vietnam but you can?

Le Duc Tho: I think that if you continue to give aid to South Vietnam then we will do the same, then the conflict will continue. I

think that in speaking in a just way, then neither party should give aid any more. We think that with the formation of the government of national concord we can preserve lasting peace. It is our desire to achieve lasting peace in South Vietnam, to rebuild our country in the interest of the Vietnamese nation and in the interest of the U.S.

Dr. Kissinger: What happens to the other institutions in South Vietnam, the National Assembly, the judiciary, and so forth?

Le Duc Tho: I think that when the three-segment government of national concord is formed, then [for] the present National Assembly in South Vietnam there is no reason to exist. But it will take some time before general elections are held to elect a new assembly. I think once the three-segment government of national concord is formed, there is no reason for the present Assembly of South Vietnam to continue to exist, but it will take some time to organize a general election to elect a new assembly—on agreement between the parties.

Dr. Kissinger: I understand. Now may I ask another question? You are a practical man. Indeed you are a revolutionary leader. There are two armies in South Vietnam today. Now you are going to tell me they are going to be controlled by the government of national concord but the government of national concord is composed in turn of two elements that have been killing each other for 20 years. So the question is: Who is going to give orders to what army?

Le Duc Tho: As you know we have experienced long years of war, and between two belligerent forces, and there are long-standing contradictions between the people of Vietnam and the forces of the Saigon administration. The opposing forces have also long-standing hatred caused by the war. Therefore in the 7 points of the PRG there is a provision saying that after the end of the war both parties should refrain from reprisals and terrors and carry out the national concord. Therefore after the restoration of peace there should be created a propitious atmosphere to realize genuine national concord.

Dr. Kissinger: I agree on all of this, but who gives orders to the army?

Le Duc Tho: Regarding the armed forces in South Vietnam, since the three-segment government of national concord has been formed—unit government in South Vietnam—it is natural that this government should command the armies. After we agree on the formation of the three-segment government of national concord, then the parties will discuss how to organize the armies, how to command the armies, paying due attention to the concerns of both.

Dr. Kissinger: And if they can't agree?

Le Duc Tho: They should make an effort and come to an agreement. If not the three-segment government will not be formed.

Dr. Kissinger: What happens to your army while all of this is going on?

Le Duc Tho: The South Vietnam army?

Dr. Kissinger: The North Vietnam army in South Vietnam. The army that you told me before . . .

Le Duc Tho: These forces are now under the supreme command of the armed forces of South Vietnam.

Dr. Kissinger: In other words they will be treated as part of the PRG forces?

Le Duc Tho: Actually they are under the high command, the supreme command of the armed forces of the PRG. I think we should not go into the details now, but we should discuss to see whether it is possible to form a three-segment government.

Dr. Kissinger: But I have a very bureaucratic mind, and my mind is slower than that of the Vietnamese, so if I could just pursue it. I am just trying to understand; we won't go into the details.

The reason you would like the future of South Vietnam forces to be discussed in the second forum rather than the third forum is because you consider the North Vietnam forces that are in South Vietnam are a part of the PRG force structure. I am trying to understand your thinking. I am not arguing with you.

Le Duc Tho: Now all the fighting forces in South Vietnam are presently put under the same command of the supreme command of the Liberation Armed Forces of South Vietnam. They have the same organization. They have the matriculation numbers under the high command. That is the reason why we refer the question of Vietnamese Armed Forces to the second forum.

Dr. Kissinger: I understand that. Let me sum up my understanding of what you just said. After the ceasefire, military aid by the U.S. has to stop. Did I understand that correctly?

Le Duc Tho: Yes.

Dr. Kissinger: Then after that the government of national concord is formed, and in the government of national concord the forces controlled by the PRG and the forces controlled by the Saigon administration get amalgamated.

Le Duc Tho: And both under the command of the national concord government.

Dr. Kissinger: Under the national concord government. And all the forces under the command of the Liberation Forces are treated as a unit, and that is why you want it in the second forum.

Le Duc Tho: Right.

Dr. Kissinger: I understood it correctly. All right, that is all I wanted to know. Let me ask you another question. What is the third forum

going to discuss? Just as an example. You don't have to give me the whole thing.

Le Duc Tho: [Picks up a paper to read from]: This is some of the problems to be discussed by the third forum.

Dr. Kissinger: I know, but give me an example. Have you been holding out a paper on me, Mr. Special Adviser? I see you got another paper. [Laughter]

Le Duc Tho: The third forum will discuss three questions: the status of the demilitarized zone and the provision of military demarcation lines; second, the reestablishment of normal relations between the two zones; and third, the timing and the way to reunify Vietnam. This is the subject of discussion by the three-party forum.

Dr. Kissinger: I understand. Now as long as you got that paper, do you mind telling me what the second forum is going to discuss? [Laughter]

Le Duc Tho: Briefly speaking, after agreement is reached by the DRV and the U.S. on all military and political questions and other questions, then these agreed questions in general terms will be referred to the second forum for discussion of the specific questions. Regarding the political questions, after this forum, the DRV and the US, have agreed on the principles and main contents of the principles, then the second forum will discuss the specific questions. For the military questions the second forum will discuss the questions of armed forces.

Dr. Kissinger: I understand. Now let me summarize one thing so I understand. I may not be a good negotiator but I am a good student, I am trying to be a good student. As I understand the Special Adviser . . .

Le Duc Tho: Yes, you are a student of giving us too much concern to detail and too much concrete things.

Dr. Kissinger: You see the trouble is, Mr. Special Adviser, when I'm being difficult he doesn't want me to be concrete, but when I make concessions I can't be concrete enough.

Forty-eight hours from now when I am in Saigon they are going to ask me all of these things—at least our Ambassador is; I am not going into detail with the South Vietnamese on these other things. Now let me understand. My understanding of the second forum is as follows: You and we agree on the proposals and general content of both military and military questions. One of the things that has to be agreed to here, however, is that a government of national concord is formed and President Thieu resigns. Then you are prepared to discuss with the Government in Saigon the concrete, specific implementation of what we have agreed to in our forum. But before you do that they have to change their policy. Is that correct? [They nod yes.]

In other words, the second forum cannot be opened until they change their policy. Even if you and we agree, they still have not enough to start the second negotiation unless they change their policy. Is that right?

Le Duc Tho: We would like to say that when we and you agree here on the principles and the main contents of the problem I raised last time, in the meantime the Saigon Administration changes its policy and then the second forum will be open.

Dr. Kissinger: But they must change their policy.

Le Duc Tho: They should, but what is important is that you and we should come to an agreement on the three-segment government.

Dr. Kissinger: But what do they have to do to change their policy?

Le Duc Tho: We have expressed our views in the documents given you last time.

Dr. Kissinger: [Finds a copy and examines it.] Now what is an act of terror?

Le Duc Tho: This is arrestations, jailing, imprisonment.

Xuan Thuy: Because of hatred, because of differing ideas.

Dr. Kissinger: One last question. I think it is my last question. You say the three-segment government is formed a third from the Saigon Administration, a third from the PRG, and another third which they each jointly appoint. Now does that mean, assuming there are 15 people in the government—well, it's got to be an even number—18 people, that means six Saigon, six PRG, then the other six are jointly appointed. Does that mean each side can appoint three, or each individual man has to be agreed to by both sides?

Le Duc Tho: Suppose now the government of national concord included 18 members; six members belong to PRG, six members belong to Saigon administration, then the six remaining members belong to the neutralist force. Then the PRG and the Saigon administration will jointly approve them.

Dr. Kissinger: One by one, or can they each nominate which ones they want?

Le Duc Tho: I think that we will agree on what is neutralist and then the two parties should agree on each member of these six.

Dr. Kissinger: Jointly.

Le Duc Tho: Yes.

Dr. Kissinger: I get the picture. So those are all the questions I have. We shall now study them carefully.

Le Duc Tho: Your questions are concrete, but your answers are in general terms. Let me now speak a few words about your views. The fact our views differ from yours in connection with the way to pose

the problem for discussion. We wanted to remove, to get out the most difficult question, that is the political question, and thereafter it will be easy to settle all other problems.

Dr. Kissinger: Not the way you were talking earlier.

Le Duc Tho: As for you, it is just the contrary. You want to settle all the other questions and leave the political question aside. For instance, today you have not said any word on the problem of politics. Therefore, I think that the next time we should grasp the main problem to settle it, the main problem, the political problem, and the settlement of the political problem will open the way for the settlement of other problems. And in so doing we can also rapidly open the second forum. And after discussion and agreement on all military questions and political questions, then when they are referred to the Kléber Avenue conference, then the settlement will be more rapid. The way we have proposed allows rapid settlement. This is a serious proposal we mean.

Now, before breaking I would like to speak a few words more.

Today you have handed us three documents under Principles of Guiding a Solution, your 12 points now rearranged into 10 points, and the way to conduct negotiations. We shall carefully study these documents to find out the points on which we can agree and the points on which we disagree, and to discuss them. At this meeting you have not approached the political question that is the key question for the solution of the Vietnam problem. But you promised that the next meeting you will express your views on that subject, to respond to our Point 4 of our Ten Points. In posing the question to you and your answer to my question, you acknowledged that there are in reality two governments and two armies in South Vietnam, and you also acknowledged that in South Vietnam there is a third political force.

Dr. Kissinger: The Special Adviser gets carried away with his own enthusiasm. There are amorphous forces. [Laughter]

Le Duc Tho: They are concrete forces.

You said you will make an effort to find out a neutral solution to this point to meet our concern, or suspicion, that you want to eliminate the PRG, and to eliminate your suspicion that we want to eliminate the Saigon Administration. I hope that the next time you will express concrete views on our Point 4, and we shall express our remarks on the documents you have given us today and on the political question of South Vietnam.

Our view that if a just and logical settlement of the Vietnam problem is to be found, apart from the cessation of U.S. military activities in Vietnam and the withdrawal of U.S. forces and other forces in South Vietnam, the key question is the formation of a government which can really restore the independence, the neutrality, the democracy and the

national concord of South Vietnam. A solution that reflects the reality of South Vietnam that there are two governments, two armies, three political forces there—in the spirit of mutual respect, equality and no annexation from either party.

I think we and you are advancing into genuine negotiations now. We are really serious and in good will in serious negotiation with you now and I do hope that you will show the same attitude. And you and we should avoid anything that can cause suspicion or distrust.

Dr. Kissinger: I agree.

Le Duc Tho: There is no other way if you want to go into genuine negotiation.

Dr. Kissinger: Mr. Special Adviser, I reciprocate those sentiments. History will forget who got this or that advantage in the headlines but it will not forget if we manage to make peace. So the important thing is to remove distrust and to move seriously to a solution. If you could find it possible and we can find it possible to approach each other in this open spirit, then we should be able to settle this war very rapidly.

I do not want to mislead you. I certainly will not come back here accepting your Point 4. But I will make a very serious effort to find, as you said, a neutral ground between your position and our position, and to take very seriously the points you have made in the document you have handed me and in your presentation. And if you make the same effort then perhaps next time we can make a big advance.

Le Duc Tho: As you said, we shall make an effort. In the settlement of the Vietnam problem with you, we think of not only the immediate, the present, but we think of the long-term future. And only from this angle or point of view the settlement will be a solid one. It is in the long-term interest of the people of the two countries. Before the last private meetings I have told you about that.

Dr. Kissinger: Now we have two problems—to fix a time for our next meeting and to see how we can keep the Minister and our Ambassador occupied without making too many headlines.

First of all, let me make one other observation. We are not dragging out negotiations. We have no incentive in dragging out negotiations. If we have any incentive it is to settle. The longer there is a stalemate, the longer our opposition will have something to talk about, even without encouragement from you.

But as a practical matter, next week I have to go to the Republican Convention; the week after I should go to the meeting with Japanese Prime Minister. So the most convenient date for me would be September 8. But after that I would be willing to come back the following week to make up for that long interval so that we can work faster.

Le Duc Tho: The more frequent you return here the better.

Dr. Kissinger: Well, we could tentatively say September 8 and then if there is any progress, September 15. But I don't insist on it. I am just expressing my willingness. Or we can put two weeks in between. We don't have to settle this now.

Le Duc Tho: Now we have only to settle the date for the next meeting. I intend to return to Vietnam after this meeting. Therefore I would propose, if possible, that the next meeting should be September 11. Because the 10th will be a Sunday.

Dr. Kissinger: The 11th is impossible for me. Should we say September 15?

Le Duc Tho: It is up to you.

Dr. Kissinger: The 11th happens to be impossible, but if we can't do it on the 8th, then the next day is the 15th. [To Thuy]: The 14th is one of your days or I would propose the 14th, but I don't want to deprive Ambassador Porter of your company.

Le Duc Tho: The 15th.

Dr. Kissinger: September 15th at 9:30. All right, I suggest and then we can settle subsequent meetings, but you will be back here?

Le Duc Tho: Yes, I will be back then.

Dr. Kissinger: I would like to express what I said before. It is entirely up to you and I do not do this with any particular intention. If our negotiations should reach a point where a meeting between me and other members of your Politburo would be desirable, I would be prepared to see whether we could find a mutual, convenient place. I have no complaint about this forum, and it is satisfactory to me. It is simply an expression of our serious desire to come to a rapid conclusion.

Le Duc Tho: What is your actual view, concrete view?

Dr. Kissinger: Well, I have not thought about where we could meet, for example. Concretely I would have to move somewhere visibly and then take a day off or two days off to meet quietly. I don't know whether this is possible in Laos or some other place. But we would have to have made somewhat more progress before. Not at this stage; it would be premature.

Le Duc Tho: We shall examine your proposal.

Dr. Kissinger: Examine it. It is really up to you and we are drawing no conclusions from your decision.

Now, the last point concerns the two contestants, the Minister and the Ambassador. You are not taking him to Hanoi with you?

Xuan Thuy: I will not [go].

Dr. Kissinger: Well, how shall we conduct the meetings until the 15th?

Xuan Thuy: As we usually do.

Dr. Kissinger: What I am trying to avoid is—I understand that we should not give the impression of progress. We should not give a misleading impression of progress. I understand that. But on the other hand we should not give the impression of totally irreconcilable hostility.

Xuan Thuy: Both sides will repeat each position.

Dr. Kissinger: Could the Minister perhaps eliminate the adjectives and just use the nouns? [Laughter] You can lend your adjectives to Madame Binh. [Laughter] I think you know, what I am talking about. Attacks on the President present particular difficulty.

Xuan Thuy: I should explain to you about that. Because President Nixon held his press conference, because of his press conference which was reported throughout the world, and at the press conference President Nixon said the just struggle of the Vietnamese people are compared to fascist Hitler and the people's struggle was "the most barbaric invasion in history." This has been reported throughout the world and known to the whole world. I have no other way but to repeat the words used by President Nixon.

Dr. Kissinger: But there has been no other.

Xuan Thuy: Since there is no repetition I have no need to repeat it further.

Dr. Kissinger: Can I offer the Special Adviser a ride part way to Southeast Asia? We have a very comfortable plane.

Le Duc Tho: Thank you very much.

Dr. Kissinger: Are you leaving soon?

Le Duc Tho: In a few days. I would like to visit Saigon. [Laughter]

Dr. Kissinger: I tell you, you would get your name in the papers if you arrived with me!

Le Duc Tho: After settlement I will make use of your plane too, and it will be reported that we were discussing on the plane.

Dr. Kissinger: Well, I am counting on having a reunion with all my colleagues when this is all over.

Now I must go to Switzerland where my brother has arranged a meeting with relatives I haven't seen for 15 years. So after being attacked by you all day, I will now be criticized all evening by my family for lack of communication.

Good journey, Mr. Special Adviser.

[The meeting thereupon ended.]

18. Memorandum of Conversation¹

Paris, September 15, 1972, 9:55 a.m.–3:55 p.m.

PARTICIPANTS

Le Duc Tho, Special Adviser to the North Vietnamese Delegation
 Xuan Thuy, Minister, Chief North Vietnamese Delegate to the Paris Peace Talks
 Mr. Phan Hien, Adviser to the North Vietnamese Delegation
 Mr. Nguyen Dinh Phuong, Interpreter
 Mr. Thai, Notetaker
 Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
 Mr. Winston Lord, NSC Staff Member
 Mr. John Negroponte, NSC Staff Member
 Cdr. Jonathan Howe, NSC Staff Member
 Mr. David Engel, Interpreter
 Miss Irene G. Derus, Notetaker

Dr. Kissinger (to Xuan Thuy): Have you been following the Special Adviser's travels?

Minister Xuan Thuy: I have also been following yours.

Dr. Kissinger: I thought we might meet at some airport.

Dr. Kissinger: I have three technical things if I may raise them so that we can start our meeting without additional controversy.

One, we are announcing today at 11:00 o'clock—just as we have last time—just in one sentence that we are meeting with you, which you have practically announced at the airport, and with my seeing Pompidou there was just no way in avoiding it.

Secondly, I have noted that the Provisional Revolutionary Government has put out the political points of our discussions. My understanding was that we would not reveal these discussions and no public proposal should be made. So I think we have again the same situation

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 864, For the President's Files (Winston Lord)—China/Vietnam Negotiations, Sensitive, Camp David Memcons, May–October 1972 [3 of 5]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at 11 Rue Darthé, Choisy-le-Roi. All brackets, except those indicating illegible or missing text, are in the original. The tabs are attached but not printed.

In a September 19 memorandum to the President reporting on the meeting, Kissinger wrote:

"It was in many respects the most interesting we have ever had. They were defensive; they professed eagerness to set the earliest possible deadline for an overall settlement; and they have never been so eager to have early and frequent meetings. They repeatedly, and almost plaintively, asked how quickly we wished to settle and there was none of their usual bravado about how U.S. and world opinion were stacked against them. For the first time in the history of these talks I sensed that they were groping for their next move and their tack was devoid of any apparent, clear-cut strategy. Indeed the tone of

(Footnote continues on next page)

as last year—that while you are negotiating with us you are making proposals public. I thought we had an absolutely clear understanding on that subject. We can handle it but it is just useful to know that the understanding will be maintained.

The third point has to do with the release of prisoners. We appreciate of course that you are releasing those three prisoners and if you had released them to us or to some neutral country it would have produced some obligation of reciprocity, but you released them to a group of people who are better known in Hanoi than the United States and who are using it now to make propaganda and you have the opposite effect from the one you expect and it will frankly not make a very positive contribution and in my view will not help your position. But that is your problem. But I hope you can stop using the prisoners in order to influence our domestic situation because this way it will just produce bad feeling.

Finally so that we can plan our work, I should leave here around 4:15 in order to make my appointment with President Pompidou but if we are not finished I would be glad to meet this evening or tomorrow morning if we are not finished. But of course we may have everything agreed to by 3:00 o'clock already so I don't want the Special Adviser or the Minister to delay agreeing until 4:15. Those are the general things I wanted to say.

Special Adviser Le Duc Tho: I think I would like to speak about the timing of our talks here. I think we should not use too much time about the information and that in the future we should not engage in

our exchanges may prove more significant for the future than actual content of their remarks at this meeting.

"On the purely substantive side, we tabled our new proposal building on our August 14 offer but adding the political element which we had withheld at the last meeting pending consultations with Saigon. With your prior concurrence, one element of our political proposal, namely the tripartite nature of the committee to supervise the Presidential elections, was tabled without complete Saigon agreement. This was because of the inordinate delay in receiving Saigon's comments on our proposals and the fact that without this element our proposal would have had practically nothing new as compared to our January offer."

He continued: "My surmise is that they are deeply concerned about your reelection and its implications for them but, with their collective leadership, they may be having deep difficulties coming to grips with the very political concessions they will have to make to move the talks off dead center. They continue to pose unacceptable demands, perhaps because they lack imagination, perhaps because they wish to defer the necessary concessions to the last possible moment.

"Whatever the case, we are in an unassailable position. By tabling our new proposal we have built an excellent negotiating record. This will be enhanced by the next meeting and their eagerness to talk will carry us into October. At that point Hanoi will face the choice of moving off its political position in order to reach early agreement or having to deal with you after the election." (*Foreign Relations, 1969–1976*, vol. VIII, Vietnam, January–October 1972, Document 263; a stamped notation on the memorandum indicates the President saw it.)

lengthy discussions about the announcements of the meeting. I have stated on this score many times already.

Dr. Kissinger: I agree.

Special Adviser Le Duc Tho: Dr. Kissinger has asked three questions. Let me speak about these three questions. First the question regarding the statement made by the PRG on September . . .

Dr. Kissinger: 11th.

Special Adviser Le Duc Tho: 11th last. I remember that at the recent Congress of the Republican Party President Nixon made a speech stating his position regarding the Vietnam problem. Therefore I think it is natural that the PRG speak about its position, to reaffirm its position and to answer to what President Nixon said. It is something natural. And I remark that the PRG's statement made no mention at all about the private meeting between the DRV and the United States.

Regarding the second question about the release of American pilots. On the occasion of the National Day of the DRV we released three American pilots. This action evidences the humanitarian policies of the Vietnamese people and government while atrocious air attacks are being carried out against North Vietnam by the United States Air Forces. This action shows all the more clearly the good will of the DRV government and people and President Nixon himself made a statement to welcome this action.

Dr. Kissinger: I know it. I wrote it.

(Laughter)

Minister Xuan Thuy: Therefore I think that we should raise this question again. There are many other Americans in the capacity as an individual or as an organization who requested us to release the American pilots, but we need not do that. As to the handing over of the pilots to the organization Committee for Liaison with American Families, this is an organization for humanitarian efforts and for social affairs with which we have had relations long ago. As to the whole question of the prisoners, it remains always in the proposals made at these negotiations.

As to the third question about your proposal to end our meeting before 4:15 and if we have not ended our work we shall resume tonight or tomorrow morning, I think we can agree to that. There is no objection. But as you said we also do hope that we can sign the agreement before 3:00 o'clock. And I think it is easy if today Dr. Kissinger will speak more concretely and more clearly.

Dr. Kissinger: Let me say one more word about the prisoners. It is entirely up to you whether you violate understandings or whether you release them with respect to our meeting or whether you release them to an organization like the one you are giving them to. You will

see it will actually do you damage to release them to this group. You will see it. But if you had released them to us or brought them to Vientiane or to the Swedish Government it would have done you a great deal more good but I have trouble enough advising my own government. I don't want to waste valuable time advising the Government of Hanoi. I don't want to waste time.

Special Adviser Le Duc Tho: Let me add a few sentences to end this part. Regarding the statement of the PRG I feel we have kept what we have told you. Moreover this is an affair of the PRG itself. Moreover it does not mention anything about these private meetings. It only repeats what it has said previously, the PRG.

Regarding the question of prisoners—it is one question which will be negotiated between us and you. And this, the release, this time is not the first one. I am two years negotiating with Ambassador Harriman and President Lyndon Johnson. We had released two prisoners and at these times the prisoners were handed to social organizations too. This is only a manifestation of our good will.

As to our work here I would propose that if in case we do not terminate our work today, I propose we shall meet again tomorrow morning and let us have some rest in the evening. You are tired; we are too.

Dr. Kissinger: It is dangerous of course to let my colleagues alone in Paris for the evening.

(Laughter)

Minister Xuan Thuy: They have been a long time in Paris previously. They are aware of all small streets and corners of Paris.

(Laughter)

Dr. Kissinger: So am I but I am too well known.

(Laughter)

Minister Xuan Thuy: Please, now you said the previous time that after your trip to Saigon you would express on point 4.

Dr. Kissinger: Well I don't know whether I should impose on Vietnamese hospitality at this point. For three successive meetings I spoke first. I don't know if that is the courteous approach.

Minister Xuan Thuy: You said previously that after your trip to Saigon you would speak about point 4 so, in respect, we request you to speak first.

Dr. Kissinger: But I didn't say I would speak before or after you and I see that both of you gentlemen have papers in front of you and your impatience may get too great and you may interrupt and read them before I am through.

(Laughter) I think I will talk first.

Special Adviser Le Duc Tho: So now you are paying your debt to me.

Dr. Kissinger: I will make some general observations and make a few introductory remarks before I get to the paper itself.

I wanted to tell the Special Adviser, and the Minister, that at the end of our previous meeting, he said that we are now entering serious negotiations. I want him to know that this is our view as well.

The Special Adviser also said that the two sides must find a middle ground between our positions in order to reach a settlement. That, too, is our view.

That is why for the last month we have reviewed each other's proposals and our own positions with great seriousness and purposefulness and why I went to South Vietnam officially to discuss the negotiations.

In your propaganda you have pictured all this activity as a meaningless charade. But you should know that these actions represent a major effort by the United States to move toward an early settlement of the war. And I hope you have enough sources in Saigon to confirm that fact. Since you must know the real situation, we find it inconsistent with your protestations of good will that your spokesmen continue to distort our efforts and attack our negotiators.

So the first step that must be taken here is that each of us show a serious awareness of the other's real problems and that there is a mutual search for the "middle ground" between our two positions. The time is ripe for an overall solution. But I must also tell you that the time is short.

We have a new proposal today and I would like to give you its background.

I presented your plan of August 1 in Saigon. You will not be astonished to hear that these plans were not greeted with complete enthusiasm and that we were criticized even for presenting them. We had some extremely difficult exchanges.

Clearly the political issue is the basic problem we face in these negotiations. Saigon sees in your plans a device for installing a Communist government. Even if we do not agree with every point of Saigon's criticism, we do believe that its objective consequence would be to guarantee the predominance of your supporters.

Your side, on the other hand, rejects an automatic reconfirmation of the present government in Saigon.

Faced with this problem, we have sought to find a middle ground, to shape a solution that is just to both sides. Our new plan seeks to remove any unfair advantage for the incumbents without at the same time guaranteeing a victory for any other force.

In order to speed agreed positions with Saigon we have in certain instances used neutral formulations. We want you to know that we will interpret them in the sense of our discussions here and use all our influence in other forums which may open after we agree in principle. I will indicate these interpretations to you after I have presented the plan. We will stand by all that we have told you previously as well as the new elements we now introduce formally and those we give you as informal interpretations. But I must repeat—no progress is possible unless we grant each other's good faith and recognize that this is an objectively difficult problem.

Here then is our new proposal. It presents great difficulties for our friends—but we are confident that if you and we agree, it can be implemented.

Now let me ask the Special Adviser and the Minister how I should proceed. I can either read the entire plan including the portion unchanged from the last time or just the new portion. Which do you prefer?

Special Adviser Le Duc Tho: I propose that you read the whole proposal.

Dr. Kissinger: All right. I just said it in the interest of time. If we can meet again that is no problem.

1. The United States respects the independence, sovereignty and territorial integrity of Vietnam, as recognized by the 1954 Geneva Agreements on Vietnam.

2. The total withdrawal from South Vietnam of all troops, military advisers, and military personnel, armaments and war material belonging to the United States, and those of other foreign countries allied with the Government of the Republic of Vietnam, and the dismantlement of all U.S. military bases in South Vietnam will be completed within three months after the signing of the overall agreement.

After overall agreement is reached, the U.S. is prepared to define its level of military aid with any government that exists in South Vietnam in direct relation to other external military aid introduced into Indochina.

Dr. Kissinger (aside to Mr. Lord): He understands every word.

3. The release of all military men and innocent civilians captured throughout Indochina will be carried out simultaneously with and completed on the same day as the aforesaid troop withdrawal. The parties will exchange complete lists of the military men and innocent civilians captured throughout Indochina on the day of the signing of the overall agreement.

4. The South Vietnamese people's right to self-determination, free from any outside interference, will be respected.

a) The South Vietnamese people will decide the political future of South Vietnam through genuinely free and democratic Presidential elections, review of the Constitution, and any other political processes they agree upon which will reflect the aspirations and will for peace, independence, democracy, and national reconciliation of the entire people.

Electoral procedures will guarantee freedom and equality during the campaign and balloting for all citizens, irrespective of their political tendencies or place of residence.

A Presidential election will be held within five months of an overall agreement.

The Presidential election will be organized and supervised by a Committee of National Reconciliation which will assume its responsibilities on the date of overall agreement. This body will decide electoral procedures, determine the qualification of candidates, ensure the fairness of voting and verify the election results.

The composition of the Committee will be as follows:

—Representatives of the Republic of Vietnam to be designated by the Government of the Republic of Vietnam;

—Representatives of the NLF to be designated by the NLF;

—Representatives of other political and religious tendencies in South Vietnam designated by mutual agreement between the Government of the Republic of Vietnam and the NLF.

There will be international supervision of this election.

b) Before the Presidential election, the incumbent President and Vice President of South Vietnam will resign. The Chairman of the Senate will assume the responsibilities of a caretaker head of government except for those responsibilities pertaining to the Presidential elections, which will remain with the Committee of National Reconciliation.

c) When he assumes office, the new President will form a new government in which all political forces will be represented in proportion to the number of popular votes they received in the Presidential election.

(Aside to Mr. Engel: *All political forces. You explain that.*)

d) After the Presidential election, the Constitution will be reviewed for its consistency with the conditions of peace, with a view to restoring a spirit of national reconciliation throughout the country.

e) The right of all political forces to participate freely and peacefully in every aspect of the political process will be guaranteed. In addition to the Presidential election, all political forces will be eligible for appointment or election to positions in various branches of government.

f) In keeping with the provisions of Article 14(C) of the 1954 Geneva Accords, the Vietnamese parties will undertake to refrain from any reprisals or discrimination against persons or organizations on account of their activities during the hostilities and to guarantee democratic liberties.

g) For its part, the United States declares that it respects the South Vietnamese right to self-determination; it will remain completely neutral with respect to the political process in South Vietnam; and it will abide by the outcome of any political process shaped by the South Vietnamese people themselves.

I will add some unilateral American interpretations after we have finished reading this document so that you will know how we will interpret these provisions in the various forums.

5. The question of Vietnamese armed forces in South Vietnam will be settled by the Vietnamese parties themselves in a spirit of national reconciliation, fairness, and mutual respect; without foreign interference and with a view to lessening the burdens of the people.

6. The reunification of Vietnam will be achieved step by step, through peaceful means on the basis of discussions and agreements between North and South Vietnam, without coercion or annexation from either side and without foreign interference. The time for reunification will be agreed upon after a suitable interval following the signing of an overall agreement.

Pending reunification, North and South Vietnam will promptly start negotiations toward the reestablishment of normal relations in various fields on the basis of mutual respect.

(Mr. Hien asked if this was 6 and Dr. Kissinger replied “yes.”)

Dr. Kissinger (continuing): This is still part of point 6.

In keeping with the provisions of the 1954 Geneva Agreements on Vietnam, while Vietnam is still temporarily divided, North and South Vietnam will refrain from joining any military alliance with foreign countries, and from allowing foreign countries to maintain military bases, troops, and military personnel on their respective territories.

7. The Geneva Agreements of 1954 on Indochina and those of 1962 on Laos will be respected by all parties. The people of each Indochinese country will settle their own internal affairs, without foreign interference.

The problems existing between the Indochinese countries will be settled by the Indochinese parties on the basis of respect for each other's independence, sovereignty, territorial integrity and non-interference in each other's internal affairs. Among the problems that will be settled is the implementation of the principle that all armed forces of the countries of Indochina must remain within their national frontiers.

8. The countries of Indochina shall pursue a foreign policy of peace and independence. They will observe the military provisions of the Geneva Agreements of 1954 and 1962, establish relations with all countries regardless of their political and social regimes, maintain economic and cultural relations with all countries, and participate in programs of regional economic cooperation.

9. At a time mutually agreed upon, a general ceasefire will be observed throughout Indochina under international control and supervision.

As part of the ceasefire the U.S. will stop all its acts of force throughout Indochina by ground, air, and naval forces, wherever they may be based, and end the mining of North Vietnamese ports and harbors.

As part of the ceasefire, there will be no further infiltration of outside forces into any of the countries of Indochina, and the introduction into Indochina of reinforcements in the form of arms, munitions, and other war material will be prohibited. It is understood, however, that war material, arms and munitions which have been destroyed, damaged, worn out or used up after the cessation of hostilities may be replaced on the basis of piece-for-piece of the same type and with similar characteristics.

10. a) There will be international control and supervision of the provisions under points 2, 3, 4, 5, 7, and 9 of this agreement. The composition, tasks, and organization of the international control and supervision commission and the subjects to be controlled and supervised will be agreed upon by the belligerent parties prior to the ceasefire.

b) There will be an international guarantee for the respect of the ceasefire, of the Indochinese people's fundamental national rights, for the status of Indochina and for the preservation of lasting peace in this region. The countries participating in the international guarantee and the form of guarantee will be agreed upon by the belligerent parties.

[2 lines of text in the original are cut off.]

Let me comment on this plan in relation to our August 14 proposals.

Now let me review these points and give you additional comments and interpretations.

In point 2 you will notice we have reduced the time for our withdrawal from four months to three months. I know the Special Adviser is very difficult to please. If I come here some day and say we have withdrawn our forces yesterday, he will say it should have been done the day before yesterday.

In point 5 we have substituted the word "fairness" for "equality" for the sake of agreement of our associates. However, if in order to obtain agreement that the word "equality" should be a decisive one,

I will tell you now that we are prepared to return to it. If we can settle everything else, I think we can settle that point.

Now let me come to two important sets of interpretation. One concerns point 9, ceasefire. The other concerns point 4, the political plan. First, with respect to point 9, ceasefire.

At our last session the Special Adviser said that the relation of a ceasefire to a political settlement is one of the two major remaining differences. You asserted that a ceasefire before resolution of the political questions effectively separates political from military issues. Thus, your position has been that a ceasefire should come only after all problems have been settled and after an overall agreement is signed.

Your approach to this issue is a good example of your constant attempt to have the best of both worlds. You want to keep on fighting and extend your military influence. On the other hand, you claim in advance that a settlement should yield you political dominance of areas where your forces have *not* extended their control.

You demand our total withdrawal from Vietnam. However, when we offer to do it, you insist that our forces stay on until we have first helped to bring about your preferred political structure.

You complained, for example, in the August 31 article of the *Nhan Dan Commentator* about the failure to recognize the PRG. But you reject a ceasefire which would lead to a de facto recognition of the PRG. The article claimed that a ceasefire now would leave the large South Vietnamese army in the field to control elections. But there was no mention of the large North Vietnamese army that would also be in the field and—according to you at our last meeting—under PRG command. In a ceasefire-in-place the two standing forces would balance out and would help ensure an equitable political process.

In May, July, and August of this year we have made a range of proposals on ceasefire. We offered an immediate ceasefire. We offered a temporary ceasefire. Failing that, we offered a mutual reduction of hostilities. You have rejected all these initiatives.

We have also proposed that a ceasefire could take place after agreement in principle and while the details were being worked out. This, too, you have rejected.

We still believe that our approach is practical and just. An early ceasefire would do the following:

- Create a political reality and thus is the best means of linking political and military issues—just the opposite of what you maintain.

- Produce a de facto control situation in the country, reflecting the real balance of forces.

- Serve humanitarian ends.

However, in order to speed a comprehensive agreement the President has decided to accept your position on this issue. I am authorized

to tell you that we are now prepared to agree—if a settlement depends on it—that a ceasefire should take place *after* an overall agreement is signed. We shall interpret point 9 to mean that a ceasefire shall occur only at the end of the negotiating process. We have thus fully met your point that a comprehensive solution should precede cessation of hostilities.

Now let me turn to point 4, the political issue. We agree that this has emerged as the key element.

We can agree to a solution that leaves the political evolution of South Vietnam to the free decision of its people. We specifically address your assertion that any political process within the present framework is bound to be controlled by the incumbents and will reconfirm the present power structure. Thus we have proposed a solution that removes any inequitable advantages for the current government, excludes no political force, and assures an equal chance for all forces.

Specifically, the test of popular opinion will be run by a committee composed of the elements you proposed. We have thus accepted your tripartite principle even though there is no popular mandate for such representation. And we will apply it as well to the body that will review the Constitution. In the government formed *after* the election we envisage a tripartite representation as well—but in proportion to the votes achieved rather than arbitrarily fixing equal shares in advance of such a vote. The distinction we make is that we are prepared to give you a veto over the control arrangements on which the fairness of the electoral outcome depends, but we will not in advance determine the outcome of the popular will.

To make this approach more concrete we are willing to give you our interpretation of some of the provisions of our proposal.

We will interpret the composition of the Committee of National Reconciliation in the tripartite sense of equal proportions that you have advanced. In other words, our formulation is composed of the formula you gave us.

These are unilateral interpretations.

Two, with respect to the Constitution, we believe that revisions will be needed after peace is made. We believe that the Committee of National Reconciliation should play a major role in the revision and we are prepared to interpret paragraph 4 in that sense and to use our influence in that direction so the Committee will not end its work with the election.

Dr. Kissinger (to Xuan Thuy): Did you understand this?

Minister Xuan Thuy: Yes.

Dr. Kissinger: Do you think your associate understands?

Minister Xuan Thuy: I understand that the election commission is now called the National Reconciliation Committee and it is composed of three elements.

Dr. Kissinger: As you described it and that it will continue after the election to work on the revisions of the Constitution. But this last point is our interpretation and will have to be an understanding between you and us.

The various branches of government referred to in point 4(e) refer to the executive, legislative and judicial branches, all three.

We believe that the date for the resignation of the incumbents—specified as one month before the election in our January plan—is negotiable. If this question proves important for overall agreement, we will use our influence in this direction.

We believe that these plans and these interpretations would shape a political process that is fair to all parties.

We have sought the middle ground with a concrete and reasonable proposal:

Let me summarize.

We have provided that the political structure in South Vietnam be tested by the popular will. The incumbent President would resign. There would be new popular elections. The Constitution would be subject to revision. And the South Vietnamese would also be free to decide on any other political process to form a new government.

We have accepted the principle of three main political forces and tripartite organizations for all control bodies. Thus the Committee of National Reconciliation, which would have the crucial functions of running the elections and helping in the review of the Constitution, would be composed of representatives of the GVN, NLF and other independent political tendencies. This prevents the government from dominating the political process and guarantees all forces equality in the control and supervisory forums.

Special Adviser Le Duc Tho: You mean besides the election commission there is another body for the control and supervision of the election?

Dr. Kissinger: No. But there is international supervision.

We have assured representation for your side and other forces in the future government. The various forces would gain seats in proportion to the number of votes they received in the Presidential election. Thus this government, too, would have representatives of the three forces you specify. The only thing we have not done is to guarantee the number of seats for any of the forces. That we leave to the people of South Vietnam.

We have provided for a process of several stages. Rather than freezing the political structure after one event, there would be a continuing evolution with all forces having an effective voice.

We agree that the details of this political settlement be resolved before there is a ceasefire.

We accept your position on the implementation of various aspects of an agreement. As you know, our view has been that certain aspects of a settlement, such as withdrawals and the release of prisoners, could be carried out while other details were still being worked on. While we continue to object strongly to your holding our prisoners as hostage, we are prepared to change our position on the sequence issue as well. To show our good will and to remove your fear that we might renege on an agreement in principle, we now agree that implementation of the withdrawal and prisoner provisions would not begin until all negotiations are completed and overall agreement is reached.

In addition to these new elements, we have retained our previous offers, such as U.S. neutrality toward the political process; eligibility for all political forces in all branches of government; and guarantees under Article 14(C) of the 1954 Geneva Agreements on which you have specifically insisted.

Furthermore, we have moved up the Presidential election to five, rather than six, months after the agreement.

Mr. Minister and Mr. Special Adviser, I mentioned earlier the recent editorial in your press and also the speech by your Prime Minister. I have read both with the greatest care.

The article asks rhetorically whether the incumbent's resignation and an election would ever take place. You have our ironclad assurances on this point which we are willing to reaffirm to whatever countries you wish.

It asks whether elections could possibly be fair. We have specified that they will be controlled by a tripartite body.

It challenges the present Constitution. We have provided for its review and revision to bring it into harmony with the conditions of peace.

It points out the presence of the South Vietnamese army. But your own forces would exert their influence as well, and a ceasefire would bring about a *de facto* division of jurisdictions.

It argues for recognition of the PRG. This is assured *de facto* in a ceasefire and *de jure* in the key organizations and the future government.

It complains about our using the designation "NLF" instead of "PRG." This is not a real issue. A standstill ceasefire would gain more acceptance for the "PRG" than any words we employ here. If we are

serious, we should not waste our time on legal quibbles. The solution is that our side use the terminology we prefer, that your side use the terminology you prefer, and that both sides sign both documents.

We have made a genuine and maximum effort to take account of your concerns. This does not mean that we are making our proposals as a take-it-or-leave-it ultimatum. If you are prepared to consider our plan, we are ready to explore modifications within its framework. But for you to wait for new major concessions will cause you once again to miss the opportune time for a settlement. And for us to suggest that such major concessions were possible would be to mislead you both on what we are willing to do and even more on what we are able to deliver.

We are vividly aware of the difficulties we have gone through in order to table this proposal today. We are also conscious of what is required of us to give you these additional interpretations. Against this background, it would be extremely unfortunate if you subjected us once again to your standard charge that we have offered nothing new. You must choose between making debating points and making real progress. You must decide whether to waste the next two months haggling over legal fine print or to use this period to agree on a course and to implement it, energetically in the other forums. And time is getting short.

At our last meeting and in communications since then, we have discussed the suggestion that we meet in another location if the negotiating situation warranted.

The President has authorized me to reiterate today his offer to send me to Hanoi or any other mutually agreeable place if we make significant progress here. This is a sign of our good faith and our willingness to explore every avenue toward a settlement. You will surely appreciate the political significance and the inherent status conveyed by such a move, and the guarantee that it would provide for our undertakings.

We want to end this war rapidly. Not only to stop the suffering, but to provide justice for both sides. Not only to cease hostilities, but to turn energies to the tasks of peace and reconciliation. Clearly our two countries and our two peoples share an overriding interest in a peace that comes soon and a peace that will last.

If you see things the same way, you will find us dedicated partners in the quest for peace.

I now look forward to hearing the new proposals you promised us last time.

Minister Xuan Thuy: Let us have a little break and when we resume we shall express our views.

Dr. Kissinger: That is what I am afraid of. We can give you a document to sign upstairs if you want.

(Laughter)

Minister Xuan Thuy: Would you propose that we sign the document you have just presented?

Dr. Kissinger: Yes. As a matter of fact then we can all have dinner together tonight.

Minister Xuan Thuy: The document should be agreed first.

Dr. Kissinger: He's always raising unnecessary details.

(At 11:26 a.m. the meeting broke for a short recess.)

(During the break, the Special Adviser and Dr. Kissinger met in the sitting room and the following conversation took place.)

Special Adviser Le Duc Tho: So you have been traveling a lot?

Dr. Kissinger: Yes and I can tell you that . . .

Special Adviser Le Duc Tho: There is a big difference between the North Vietnamese and the South Vietnamese because the South Vietnamese are under your control.

Dr. Kissinger: That is not completely true. That has not been my experience in the last month. It is not helpful if I get attacked personally.

Special Adviser Le Duc Tho: I have taken note of your message.

Dr. Kissinger: I appreciate it. Did you stay in Moscow Sunday night? I was really hoping you might be at the airport to greet me.

Special Adviser Le Duc Tho: We should meet in Paris.

Dr. Kissinger: I agree with you completely. We shouldn't negotiate with others. I completely agree and we have not proposed to Moscow that we should meet there. We have talked in general terms about their ideas but we have not come to any decisions. That is up to you.

Special Adviser Le Duc Tho: I, too, directly negotiate with you.

Dr. Kissinger: We have not given this plan to anybody yet, including within our own government.

Special Adviser Le Duc Tho: You should have given it to them.

Dr. Kissinger: We don't want to make publicity. We will give it to Ambassador Porter eventually. For his information but not to present it. He will not present it unless we agree on something.

Special Adviser Le Duc Tho: If we should agree, when will you meet our other leaders?

Dr. Kissinger: It is up to you if you think it would help the process.

Special Adviser Le Duc Tho: Providing we should make basic progress here.

Dr. Kissinger: Yes, otherwise it is senseless; otherwise it creates wrong impressions.

Special Adviser Le Duc Tho: And it might be that we can't reach any settlement.

Dr. Kissinger: If we can't reach agreement here it is senseless to meet your other leaders. If we reach agreement here and there is some lateral issue to discuss, then we can do it but we thought of this as a guarantee for you. We are satisfied to negotiate with you and it is more convenient for me to do it here than to do it there.

Special Adviser Le Duc Tho: But what is your idea about your schedule of our negotiations here. We should settle by what date?

Dr. Kissinger: The quicker the better. In practice it is not—our election now makes no difference any more and we don't need a settlement for the election. I can show you some polls. We are so far ahead that it makes no difference. So we are not talking about the election.

Special Adviser Le Duc Tho: But is it better that we should settle before the election or is it better to settle it after the election?

Dr. Kissinger: I think it's better that we settle before the election but not for the election.

Special Adviser Le Duc Tho: Then we should make an effort.

Dr. Kissinger: But not for the election. Actually our experts tell us that settling it now would be a slight liability the way things have developed because McGovern has so few votes that his supporters will not join us no matter what we do and so we will lose some people on our right, but still we should settle it. It would be good to have it settled in this Administration. Then we can start the new Administration without Vietnam as an issue. So we are prepared to make a big effort.

Special Adviser Le Duc Tho: If you make an effort we will do the same to find out a solution.

Dr. Kissinger: It would be a good thing.

Special Adviser Le Duc Tho: But you should make an effort. As I told you, we should create some mutual comprehension and mutual trust.

Dr. Kissinger: I know your concerns. We have been making a big effort. It has been a very difficult month for us. We had a great deal of opposition among some of my colleagues and even more opposition in Saigon.

Special Adviser Le Duc Tho: Yes, it is more complicated in Saigon—too many voters, too many factions, probably you can't grasp them all.

Dr. Kissinger: It is sometimes true that in very nationalistic countries they have a very strong government. That is the only way they can survive.

I have spent more hours with the Special Adviser than with almost anyone else in the last four years.

Special Adviser Le Duc Tho: But without settlement yet.

Dr. Kissinger: Yes, but we will try to do that.

Special Adviser Le Duc Tho: But this time there is an opportunity, so I agree with you that the situation is ripe now. Please have a rest.

(11:45—The Special Adviser left the sitting room.)

(12:02 p.m.—The meeting reconvened.)

Dr. Kissinger: Did the Minister have any vacation this summer?

Minister Xuan Thuy: Some days vacation. The vacation was prescribed by the physician. I from time to time have some inflammation of the throat.

Dr. Kissinger: Where did you go? To the South?

Minister Xuan Thuy: I went to a vacation in the mountains of southern France.

Dr. Kissinger: And it was a cool summer or did you have good weather?

Minister Xuan Thuy: Fine weather there.

Dr. Kissinger: Oh good. I guess the Special Adviser was very busy when he was in Hanoi?

Special Adviser Le Duc Tho: The trip was very tiring because it took me a few days to come here.

Dr. Kissinger: How long does it take?

Special Adviser Le Duc Tho: Two days, not counting the time spent avoiding air raids.

Dr. Kissinger: In Hanoi?

Special Adviser Le Duc Tho: In Hanoi.

Minister Xuan Thuy: The Special Adviser will speak.

Special Adviser Le Duc Tho: I have listened to your presentation, to your proposal. Now let me make some questions. Chiefly I would like to ask questions on point 4.

You speak about the National Reconciliation Commission with the three segments. I would like to know whether this is a body organized at the various levels from the central level, provincial levels and downward?

Dr. Kissinger: That is a very good question, Mr. Special Adviser, and we have not really given that formal consideration. I want to be honest with you. But I do think that if this Commission is to work effectively it must have subordinate organizations in the provinces or at least in the regions; but it cannot all be done in Saigon.

Special Adviser Le Duc Tho: And as you said according to the task given to this National Reconciliation Commission, while this Commis-

sion is carrying out its task, what is the role played by the Saigon Administration and the PRG there?

Dr. Kissinger: Of course it depends when we have the ceasefire. If the ceasefire is as you proposed, at the end of the process—at any rate there will be a ceasefire at that point. If there is a ceasefire, I would think that each of the organizations would have *de facto* control of its territory. But the Commission would work throughout the country. Now probably what will happen is that both the PRG and Saigon Government will claim that they have control of the whole country but we don't have to address that issue here. I mean there will have to be lines drawn for the ceasefire.

Special Adviser Le Duc Tho: Now let me express our views.

As you said recently, the situation now is ripe for political settlement of the Vietnam problem. And as you said we should rapidly come to a settlement of the Vietnam problem. If you mean what you say, then we will move in the same direction. The last three meetings have shown clearly our good will and serious intent. And in meetings in the future we shall adopt the same attitude. If the United States adopted the same constructive attitude of good will and serious intent, we are firmly convinced that the war can be ended and peace can be restored to Vietnam, thus creating favorable conditions for the restoration of peace in Indochina. And, as I repeatedly said, if we can reach a peaceful settlement in Indochina this will be to the benefit of the Vietnamese people, the American people and the Indochina people. Therefore today with a constructive spirit, with a view to bring these negotiations to progress, I will express my views on three questions.

First, I would speak on our statement of our policies and our principles. Second, I will speak about the content of the solution to the Vietnam problem. Third, I will speak about the way to conduct negotiations.

We have carefully studied the document you handed us on August the 14th and on the basis of the documents we handed to you on August the 1st and on August the 14th, today I will put forward new contents—concrete contents—with a view to achieve a big step forward to total peace.

First about our statement on our general principles and policies. The other day you gave us a document called “Agreed Principles Guiding a Settlement.” We think that in order to correctly pose the problem we should start from the fact that the cause of the war in Vietnam is the invasion of Vietnam by U.S. forces and that the Vietnamese people are the victims of U.S. aggression. Therefore it is clear that the principles mentioned in your document are not consonant with the objective realities of these historical circumstances and they cannot guide, they cannot serve as the general principles common to both

sides. Therefore I think that regarding the principles—the statement of principles—the policy statement—each side can issue its own policy statement and each side can take note of the statements made by the other side. The other day we took note of a number of principles raised by you on August the 14th. But we remark that in the document you gave us and the document was called “Agreed Principles Guiding a Settlement” you have dropped two points and I would like to draw your attention on this fact. The first one you have dropped is the statement that the United States does not ask for a pro-U.S. government in South Vietnam and that the United States undertakes to put an end to all U.S. involvement in Vietnam and undertakes not to return to Vietnam.

Dr. Kissinger: On your first point, I have a statement on that in point 3 (of our agreed statement of principles). Where is the other one?

Special Adviser Le Duc Tho: Two points. You have dropped two points. Now the second point you have dropped. You have dropped the point that the United States wants a peaceful, independent, neutral Southeast Asian region and does not want any bases or military alliances for the United States in this region. I don’t know for what reason you have dropped these two points.

Dr. Kissinger: Now wait a minute. We operated on the basis of the paper you gave us. Now I have found that one sentence about the pro-American government. We are talking about the paper you gave us on August 1. Oh yes, point 4. I have found it. Now the two points are—I just want to get it straight—one about the pro-American government and the other one is the neutrality of Southeast Asia. Is that correct? Those are the two points?

Special Adviser Le Duc Tho: Right.

Dr. Kissinger: I will answer the Special Adviser later. There is no point in my answering now.

Special Adviser Le Duc Tho: I don’t know for what reason you have dropped these two points. We wonder whether you still want a pro-American government in Saigon. Do you want to continue the U.S. involvement in South Vietnam or do you want to return to Vietnam in the future? Or do you want to maintain military bases in this area for more aggression against this area?

For our part, on July 19 I have clearly expressed my general point of view on the objective of the Vietnamese people’s struggle, about our policies toward the two zones, North and South Vietnam, our policies toward Laos, Cambodia and the Southeast Asia region and our policies toward the United States. Today I will hand to you a document writing down these statements of ours. (Hands Dr. Kissinger a document entitled “Statement by the DRVN side on a number of principles and general principles” at Tab E.)

Now the second part of my question is about the content of the solution of the Vietnam problem I present today. This solution contains 10 points. I will hand to you the different documents.

Dr. Kissinger: Could I just interrupt the Special Adviser for one minute. What is this document? Is this a statement of principles that the DRV side represents? That is, the program of the DRV side?

Special Adviser Le Duc Tho: This is a statement of the views I have expressed the other day and reflecting the general principles and policies of the DRV.

Dr. Kissinger: Right.

Special Adviser Le Duc Tho: Now let me speak about the contents of the solution to the Vietnam problem. I will give you the written document of this 10 point solution. I have compared our stand with the 10 points you gave us the last time. Today you have elaborated on these 10 points, particularly on point 4. Today before presenting our own proposal I would like to make some preliminary remarks on your presentation today.

In your statement today you have agreed to settle both the military questions and the political questions at the same time. Today you have also agreed that after the settlement of all military and political questions then we proceed to the signing of an overall agreement and then a ceasefire will take place and only thereafter the process of troop withdrawal and the release of prisoners would be made. And on concrete points, I will express my own views in comparison with your views and then I shall make some remarks so as to put in perspective the points on which we are still disagreed so that we concentrate our attention to solving them in future meetings.

Dr. Kissinger: Right.

Special Adviser Le Duc Tho: In the 10 point solution I shall present to you today there are four important questions on which I shall express my views first and then I shall express my views on the remaining questions.

The first important question is the United States undertaking to respect the independence, the sovereignty, the unity and territorial integrity of Vietnam as recognized by the 1954 Geneva Agreements on Vietnam. It is the first important question.

The second important question is the total withdrawal of United States forces, and those of other foreign countries from South Vietnam.

The third important question is the political problem of South Vietnam.

The fourth important question is the United States responsibility to shoulder the healing of the war wounds and economic rehabilitation in the two zones of Vietnam. These are the four questions we think

are necessary and they are closely linked to each other. To settle the one question cannot be disassociated from the settlement of other questions. If one of these questions remain unsolved it will create difficulty for the settlement of other questions.

First let me speak about the first question. According to us the United States should undertake to respect the independence, the sovereignty, the unity and territorial integrity of Vietnam. In the United States document you speak of the United States wish to respect the independence and the sovereignty and the territorial integrity of Vietnam but you keep silent on the respect of the unity of Vietnam and in our view Vietnam is one. The Vietnamese people is one. The Geneva Agreements on Vietnam—the 1954 Geneva Agreements have recognized the unity of Vietnam and stipulate that the 17th parallel has a temporary character—not a political boundary. It is not a boundary dividing Vietnam forever. Therefore we would move that the United States should undertake to respect not only the independence, sovereignty and territorial integrity of Vietnam but also the unity of Vietnam. This is one question of principle. You have put the question of reunification of Vietnam in your point 6.

Dr. Kissinger: Right.

Special Adviser Le Duc Tho: It is not appropriate because in that point you speak that there is a question that will be discussed by the two parties—the question of reunification. When you don't quote the whole sentence of respect for the independence, sovereignty, unity and territorial integrity of Vietnam and you drop the word "unity" is it your intention to perpetuate the division of our country? Because practically it would mean that there is a division of Vietnam into two Vietnams and therefore we cannot accept this point of view and therefore we maintain our stand as mentioned in point 1. And in order to guarantee the respect for independence, sovereignty, unity and territorial integrity, our wording in point 1 is very accurate and strong to insure this principle of ours.

Dr. Kissinger: This is the new plan.

Special Adviser Le Duc Tho: Now regarding the military questions. First I would like to speak about the period for the troop withdrawal. For this period of troop withdrawal you proposed first 4 months, now you propose 3 months. I think it is a fairly long period because in our view it is quite enough if we give 1 month for the troop withdrawal of U.S. forces including all ground troops from South Vietnam. One month is enough. The quicker you withdraw from Vietnam then the quicker American pilots captured will be returned to their country. But as a sign of good will we propose that now this period be 45 days. It is a reasonable period. It does not take more time for the troop withdrawal. And the troop withdrawal will be carried out in parallel

with the release of military men and civilians of two parties. Therefore the wording we would propose to say is: The total release of people of the parties, military men and civilians captured during the Vietnam war (including American pilots captured in North Vietnam). It is a more accurate wording than what you call “innocent civilians.”

Now I speak about the military aid to the Saigon administration. We think that after the war is ended—when the war ends, when the ceasefire takes place, then U.S. military aid to the Saigon administration should stop. Because you yourself said that you would withdraw all U.S. forces from South Vietnam and undertake to end all U.S. involvement in the situation in Vietnam. If so, how can you end U.S. involvement in South Vietnam if you continue to give military aid to the Saigon administration? And how can you put an end to the fighting between the two military forces in South Vietnam; that is the military force of the PRG and that of the Saigon administration if you continue to give military aid to the Saigon administration? The other day I told you that we think that the PRG and Saigon administration will both refrain from accepting military aid from anyplace.

I think that this way of settling the problems is very fair and reasonable and only in so doing can we preserve lasting peace in South Vietnam. I think that if, as you said, you wanted to put an end to all involvement in South Vietnam once and for all, then this desire should be manifested in concrete facts. This desire should be exteriorated by the total withdrawal of U.S. forces in South Vietnam and those of other countries in the camp of South Vietnam and also by the end of all military activities in Vietnam and also to end military aid to the Saigon administration. So not only you should put an end to present involvement in South Vietnam but the United States should undertake not to interfere in the internal affairs of Vietnam, not to return, not to encroach on the sovereignty, security and territorial integrity of the two zones, South and North Vietnam. So we have materialized in detail our view, our stand in point 1 of our document. You yourself have stated that the United States would be prepared to accept a very strict definition of non-interference in the political life of South Vietnam. So I have finished on the first question and the second question.

Now I begin to speak about the third question—the political problem of South Vietnam. This is one question of utmost importance which we have made a great deal of discussions here. But this time you have put forward a number of concrete points particularly on the National Reconciliation Commission. But on other points it is similar to what you have previously proposed. Fundamentally, there is no change yet and for our side we have made our remarks during previous meetings. So I would invite you to read again the minutes of the views we have expressed. Today I do not want to repeat our views. We have made

known our views; we have expressed them in previous meetings; we don't think we should repeat our views again.

Now expressing my views on the political problems in South Vietnam we always proceed from the idea of respecting the right of self-determination of the South Vietnamese people. We also start from the recognition that actually in South Vietnam there exist two administrations, two armies and three political forces. And we start also from the premise of the need to establish in South Vietnam an administration of National Concord including three elements. These are the basic principles to settle the political problem of South Vietnam. If this basic principle is denied, it would be difficult to settle any question.

In the point 4 of our 10 point proposal tabled on August the 1st, 1972, we have put in a very concrete proposal regarding the political problems and particularly regarding the formation of a Provisional Government of National Concord with the three components. Today I will make a new proposal, a flexible proposal on this question aimed at reaching a solution acceptable to both sides. Here are the new elements of our new proposal. I will only point out the new elements.

Dr. Kissinger: The new elements.

Special Adviser Le Duc Tho: In our previous proposal we proposed the formation of a three segment Provisional Government of National Concord which led to the removal of both the PRG and Saigon administration immediately after the coming into office of the Government of National Concord and this time we propose the formation of a Provisional Government of National Concord above while the Saigon administration and the PRG remain in existence. This is a new element.

The second new element is that in our August the 1st proposal we proposed that the Provisional Government of National Concord would have full powers to deal with internal as well as external affairs. But since the present proposal plans for the remaining in existence of the PRG and Saigon administration so the powers of the 3 segment Provisional Government of National Concord would have some limitation in its power internally. And in the meantime the PRG and the Saigon administration will temporarily assume the administration of the regions under their respective control. But of course they have to implement the decisions of the Provisional Government of National Concord in the framework of the latter's tasks and prerogatives. So the task of the Government of National Concord externally in foreign affairs will be to apply a foreign policy of peace and neutrality. And this government will unify the management of external affairs of South Vietnam because it represents the PRG as well as the Saigon administration and their own foreign relations and therefore the Government of National Concord will unify these external affairs. So the managing of external affairs now is concentrated in the 3 segment Provisional Government

of National Concord. And the PRG and the Saigon administration will play its role in internal affairs in the regions under their respective control. Regarding the internal affairs this Government of National Concord will do the following things:

This Government will implement the signed agreement, will stimulate and supervise the implementation of the signed agreement by the two South Vietnam parties.

Second, to enforce the democratic liberties for the people, to stimulate and to supervise the enforcement of democratic liberties by the two South Vietnamese parties.

Third, to materialize national concord, to stimulate and supervise the materialization of the spirit of national concord by the two South Vietnamese parties.

Fourth, to organize consultation between the PRG and Saigon administration in order to settle matters concerning these two parties.

Fifth, to prepare the parties for free and democratic general elections in South Vietnam and then to organize free and democratic elections in South Vietnam.

Now at the inferior levels—provinces, cities, towns, districts, villages—there will be established National Concord Committees including 3 segments of the same proportion with equal rights like at the central level. The task of these National Concord Committees at various levels roughly are similar to the task of the Provisional Government of National Concord regarding internal affairs. Of course the task of the Committee of National Concord is limited to their respective locality.

These proposals of ours today are very important and reasonable and logical. We are of the view that now in South Vietnam there are two different administrations, two armies, and three political forces. In such circumstances if there is not one organization above doing the task regarding external foreign affairs and also internal affairs then the two different forces at the inferior level will continue to carry out hostilities. The essential task done by this National Government of National Concord is to implement the signed agreements, the task of this Government of National Concord I have just mentioned above. Without such a government above the two existing administrations, the PRG and Saigon administration, neither side can control the other side.

As for the regions under the respective control of the PRG and Saigon administration, they will remain in their respective control. So our proposal conforms to the real situation. It is also to insure lasting peace. Moreover we agree to have international supervision of the free and democratic elections in South Vietnam and we agree to the previous proposals that the general elections will take place 6 months after the signing of the agreement and the ceasefire. Now you propose 5 months—this is too fast.

Dr. Kissinger: Too fast. I can't do anything right. (Laughter)

Special Adviser Le Duc Tho: The elections in our proposals is to elect the constitutional assembly and this constitutional assembly will choose the government or will elect the President. Because in our view an election to choose the President is not democratic because all the powers will be concentrated in the hands of the President. It is easy to lead to a personal dictatorship. The elections should choose the constitutional assembly to set up a definitive government for some time. These are some new elements we have brought in to our new proposal. As to the other points, they remain as before. (Hands Dr. Kissinger a document entitled "DRVN Proposals, September 15, 1972," Tab C.)

Now let me speak about the fourth question. That is the question of United States responsibility to shoulder the war wounds and the economic rehabilitation of Vietnam. I remark that during the last 3 or 4 meetings Mr. Special Adviser did not hint at this question. For us we have repeatedly raised this question during the past 3 meetings because this question is very important for us. We can say that the war waged by the United States in Vietnam for over 10 years now and particularly the military activities of an exterminative character carried out by U.S. military forces in both North and South Vietnam have caused an indescribable amount of damage. They have destroyed the economic and cultural establishments and a great deal of material resources even the ecology of Vietnam causing serious consequences in the immediate as well as for a long time to come for the material and moral life of the Vietnamese nation. Therefore the responsibility of the United States government for the above situation is something undeniable. Last time I said that as a sign of good will the DRV side will no longer use the word "war reparations" providing that in practice the United States Government accept to shoulder its responsibility. And in our view they should solve this question in concrete form for the overall solution of the Vietnam problem in a serious way. Because I think that if this question remains unsolved it will create hindrances for the settlement of our relations. Last time we suggested an amount of \$4.5 billion for North Vietnam for the healing of the war wounds and economic rehabilitation and \$3.5 billion for South Vietnam but now after consultation with the PRG the PRG demands this should be the same for North and for South Vietnam.

Dr. Kissinger: If these negotiations last too much longer it is going to be too expensive for us—a billion dollars every 4 weeks.

Special Adviser Le Duc Tho: Therefore you should immediately put an end to the bombing, to the mining, to the shelling and so forth. The damage is caused by that. When peace is restored you will go to our country and you will see what you have caused. It is indescribable.

The damages and the war wounds cannot be healed in 4 years or 5 years and there are unthinkable consequences particularly about the health of the people, the moral influence on the life of the people, and the natural resources of the people. (Hands Dr. Kissinger a document entitled "On the U.S. responsibility to heal the war wounds and to rehabilitate the economy of Vietnam", Tab D.)

Now there are the 4 questions I have spoken about. Now I speak of other questions.

Regarding the question of Vietnamese armed forces in South Vietnam, where we differ from you is that it is our view this question should be settled by the PRG and the Saigon administration. It is common knowledge that after the Geneva Agreements of 1954 hundreds of thousands of South Vietnamese were regrouped to North Vietnam and when the United States started the war of aggression against the South Vietnamese these hundreds of thousands of South Vietnamese who had been regrouped to North Vietnam returned to South Vietnam together with a number of North Vietnamese who voluntarily were going to South Vietnam to fight aggression and they are organized in fighting units in South Vietnam. These forces serve under the banner of the National Front for Liberation of South Vietnam and under the command of the National Liberation Front and they have become the units of South Vietnam Liberation armed forces. Therefore this question of Vietnamese armed forces in South Vietnam should be settled through discussions between the PRG and the Saigon administration.

Now regarding the question of reunification of Vietnam. We maintain our words as we have done in our 6th point. We put into that point that Vietnam is one and the Vietnamese people is one. This not only reflects the deep aspiration of the Vietnamese who want to see their country unified, it reflects also the provision of the 1954 Geneva Agreements stipulating that the 17th parallel demarcation line is only a provisional demarcation line. It is not a national boundary. We don't know why you wanted to drop one point of the 1954 Geneva Agreements on Vietnam. We wonder whether you still wanted to divide Vietnam into different Vietnams. And we wonder whether you wanted to make a provisional military demarcation line into international boundaries, perpetual boundaries between two Vietnams. As to the matter of carrying out unification, the time for unification will be settled through discussions by the two zones to come to agreement. From your proposal—you propose after the ceasefire it will take some time before the two parties start to discuss the question of reunification. In our view it is up to the discussion of the two parties as to how to work it out. Regarding the question of ceasefire we agree with you and you agree with us.

Now let me speak about international control and supervision. This time we have brought in many details to this question of international control and supervision. I think the international commission of the control and supervision should include 5 countries. Besides India, Poland and Canada, each party would propose another country agreeable to the other side. The task of the international control and supervision is to control and supervise the questions mentioned in points 1, 2 and 3, to control and to supervise the enforcement of democratic liberties and to supervise the general elections in South Vietnam, to control and to supervise the standstill ceasefire in South Vietnam. The parties will discuss and agree on the ramifications regarding the task of the international commission and this commission will be responsible to the 4 parties to the Paris Conference on Vietnam and to the Provisional Government of National Concord.

Regarding the international guarantees. Our concrete proposal includes for Laos, Cambodia, the Soviet Union, China, France, Great Britain, the 5 countries in the International Commission of Control and Supervision and the Secretary General of the UN together with the four parties to the Paris Conference on Vietnam. These parties will hold an international conference to work out a joint declaration on the international guarantee, the content of which is mentioned in our point 9(b).

Regarding the questions concerning the 3 Indochinese countries we remark that the United States August 14, 1972, 10 point proposal raises many questions concerning Indochina: ceasefire throughout Indochina, troop withdrawal and release of military men and civilians captured throughout Indochina; international control of the ceasefire and of the release of the servicemen; all civilians captured in the whole of Indochina; international guarantees for the 3 Indochinese countries and foreign policy for the 3 Indochinese countries. Last time we have expressed our remarks to you. We, in our view, because of the United States aggression against the 3 Indochinese countries, the 3 Indochinese countries are determined to fight against the United States aggression therefore the three peoples of Indochina have the same objective but besides the common objective they have their own objectives too. We can't settle the questions concerning these countries on their behalf. They must solve them themselves. Moreover the Paris Conference is to deal with the Vietnam problem. It cannot deal with the problem of Laos and Cambodia. But as I said we are prepared to discuss, to consult with our friends in Indochina to convene a conference afterwards to settle problems concerning the Indochinese countries. But we abide by the principle of respect for the independence, sovereignty and territorial integrity of each individual country, of non-interference in the affairs of each country. These affairs should be settled by them. But we think

that the settlement of the Vietnam problem will create favorable conditions for the settlement of the Laos and Cambodia questions and we are firmly convinced that peaceful settlement can be brought to the Laos and Cambodia questions. Of course the war is concerning now the three Indochinese countries. When the war has been settled in Vietnam for our part there is no reason for us to let the war continue in Laos and Cambodia. But the peaceful settlement of the war in these countries concerns these countries. We have to discuss with them, to consult them to settle the questions concerning these countries. So the questions you raised about the whole of Indochina presents some difficulty because they involve the sovereignty of these countries. Last time I have expressed our views at length on this subject. These are the things I have said.

Finally about the way to continue negotiations. There is in this connection, a difference between we and you. In our view all questions should be settled between you and we before the opening of the other forums, the second forum, the third forum and the fourth forum. As for you, you want that any agreed question should be referred to the other forums for discussion. I think that we should rapidly come to an agreement here so that all the questions should be referred to other forums and it will take a short time. This time I present here the content of the subjects to be discussed at each forum. I will give you the written document because it will take a long time to present the document. (Hands document to Dr. Kissinger entitled "On the Conduct of Negotiations"; Tab E.) But I can sum up by saying that between our 10 points and your 10 points it will take a lot of discussions. And then subjects concerning the second forum or the third forum, we will refer the questions. So as I told you this time we have made a lot of effort. We have shown a serious and constructive attitude. We have put forward new proposals to bring these negotiations to a result. And if the negotiations will remain in a deadlock, if the war continues, the responsibility is on your side. Therefore I think you should carefully study our proposals to respond in a positive and constructive spirit. Only then can we settle the war in Vietnam and rapidly restore peace to the benefit of both parties.

Regarding your proposal to go to Hanoi or to another place, I think when we have got basic results of these talks, then we shall take up this question.

Dr. Kissinger: I agree.

Special Adviser Le Duc Tho: Previously you mentioned about a schedule, a calendar of negotiations. What are your views now? Because this question is related to the way to conduct the negotiations and the subjects to be discussed at the various forums and this is related to the relationship between the different forums and the signing of the agreements, I would like to know the views of Mr. Special Adviser.

Dr. Kissinger: My view has always been that we should open as many of the other forums that we can and especially that we should use the one forum that is already open, namely at Avenue Kleber and use it for something concrete because, even with good will on both sides, the Special Adviser has raised many problems where he pointed out differences. It will take as many months to resolve them all. If after we complete our work everything goes to the other groups it will take a very long time. Now time is not unlimited. So I would recommend that we give the Kleber forum something concrete to do because I think that we know all the speeches of your side and you know all the speeches of our side. You can just list them. Say today we give speech A and then give something concrete. So I recommend we say for example, we have agreed there will be a ceasefire and that it will occur at the end of the process but there will still be a lot of discussion on what a ceasefire would be like and they can keep working on that.

Special Adviser Le Duc Tho: In this connection I can tell you in our view that you and we have to discuss and agree on the two questions—military questions and political questions—and then we can refer to the other forums. As you know there are not too many questions. The military question is nearly agreed. The political question remains.

Dr. Kissinger: Then why don't we pass the military question to the forum to work out the details?

Special Adviser Le Duc Tho: So I think with our proposal—reasonable and logical proposal—if we can come to an agreement then it will take a short time.

Dr. Kissinger: Our proposal would be to pass those questions on which we have agreed to to the other forum and that we should continue to work on the questions that are not agreed.

Special Adviser Le Duc Tho: So our view is that we should come to agreement on the two key questions—the military questions and the political questions—but for the other questions, if we come to agreement on some questions, then we may refer to them.

Dr. Kissinger: Like for example? Can the Special Adviser give me an example of what he has in mind? Which question can we refer?

Special Adviser Le Duc Tho: In our view we should come to agreement on the two key questions—the military and political questions and then we refer these to this other forum but the other questions we refer to the other forum as soon as . . .

Dr. Kissinger: I understand that but can he give me an example?

Special Adviser Le Duc Tho: There are many questions contained in the 10 points. We have here two key questions—the military question and the political question. If we come to agreement in the main on these two questions, then the other questions will be easily solved.

Dr. Kissinger: Well, there are 11 points. Which of these 11 points can we pass on to the other forum?

Special Adviser Le Duc Tho: In my view what is important is the question I have put to you: the schedule of the negotiations, the timetable of the negotiations.

Dr. Kissinger: Between us?

Special Adviser Le Duc Tho: Between us, yes.

Dr. Kissinger: Well, first of all it seems to me that we won't need a meeting tomorrow because we still have two hours and I don't think we can do much more today than for me to ask the Special Adviser some questions about his plan.

Special Adviser Le Duc Tho: I propose a little break. Then after the break you can pose your questions.

Dr. Kissinger: And then we can set another meeting for say two weeks from now? But if I can't get some clarifications to bring back to Washington . . . but we would like to move as rapidly as possible to a settlement.

Special Adviser Le Duc Tho: The quicker the better.

Dr. Kissinger: That is our attitude. The Special Adviser has given us a lot of papers to study today.

Special Adviser Le Duc Tho: You say that the quicker the better, but you put 15 days. How can you show this desire? And it is the normal interval so we have normally passed 15 day intervals between the two weeks.

Dr. Kissinger: That is why I proposed 14 days this time.

Special Adviser Le Duc Tho: And you speak about the situation being ripe, about your desire for a quick settlement and you propose a long interval. Moreover we have not seen each other for one month and I don't know what is the intention of the United States side. Because this proposal on the timing is contrary to your desire.

Dr. Kissinger: Well, the problem is we have to study this. There is a difference between you and me, Mr. Special Adviser. You have only one foreign policy problem and I am responsible for the whole foreign policy dealing with many countries.

Special Adviser Le Duc Tho: But in the eye of the whole world the Vietnam problem is a very hot problem. A very explosive problem. This is my impression. I have the impression that you want to drag on the negotiations and to go beyond the elections and then to prolong the war. Is that true?

Dr. Kissinger: Mr. Special Adviser, first of all the negotiations do us no good in the elections. This is a new change in the situation. I don't know . . . We have had a poll taken of what the American people

think of the war. You see the wrong people. (Aside to Mr. Lord: Where is the Harris poll?) In the latest poll the President is backed by over 2 to 1 in his conduct of the Vietnamese relations. I just give you what we are up against. 74% to 91% are against a Communist government in South Vietnam. Only 15% support McGovern when he says that General Thieu should leave Saigon. We have no motive for dragging out these negotiations. From the point of view of popularity it would be better to end the negotiations than to drag them out. On the other hand every time you make a proposal like this to us we have to discuss it with our people. It takes a week to discuss it. But I want to tell you now we would like to end the war as rapidly as possible. We will meet but as often as necessary to end it rapidly. But to show our good will maybe we can meet earlier—say maybe the 25th or 26th, but I have to check when I get back. The 25th would be 10 days from now.

Special Adviser Le Duc Tho: Let me speak my piece. The Presidential elections in our respect is your own affair. We don't pay a great concern about the election in the United States. You have repeatedly said that when you come here it is with good will and serious intent and through the meetings we have also made the same remarks. I have the impression that in spite of your professed desire to seek a quick settlement, an early end to the conflict, and to say that you are of good will and the situation is ripe, the last few months I have the impression that you want to drag the negotiations and my remark is that I am afraid that you are not yet truly wanting to engage in genuine settlement. It is a very important question for the United States and also for Vietnam—the Vietnam problem. But the way you deal with the problems, it does not show that you want a rapid settlement. If you want an early settlement we will reach an early settlement with you but if you try to drag the talks then we have to take countermeasures. If you drag the negotiations and continue to step up the military then we have to be determined. It is something natural. We are prepared that you come to a quick settlement as you say you desire to have it. You say that the situation is ripe but if the situation is prolonged it is because you prolong it. I understand that Mr. Special Adviser has a great deal of work to do but I think that you should devote the greatest amount of time to study, to think over the settlement of the Vietnam problem.

Dr. Kissinger: Well now Mr. Special Adviser we have first of all—I have to completely reject your argument. We have presented a new plan at every meeting we have had. Each time we present a plan it takes days of work and weeks of exchanges with our people and with our own allies. So at every meeting we have made very specific proposals to you so it is an absolutely unjustified remark to say we have been dragging the negotiations. We offered to meet on September 15. That was not our fault.

Special Adviser Le Duc Tho: You proposed a meeting on the 8th of September. I proposed the 11th of September. I intended to propose the 10th of September but it was a Sunday. Therefore I proposed the 11th of September, but you proposed the 15th.

Dr. Kissinger: Because I had this appointment with your ally which had been set for a long time and couldn't be changed.

Special Adviser Le Duc Tho: That is your own affair, I have no ideas on that but I have the feeling that through the last few months the way you have dealt with the problem has not reflected your stated desires.

Dr. Kissinger: Well Mr. Special Adviser, I don't know what to say to this. We have now spent four weeks presenting you with a comprehensive proposal which was extremely difficult to develop and I do say it took extreme effort to get people to agree to. Just yesterday I had to appeal to get Washington's approval and now you tell me I haven't made a real effort. I don't know what I can say to that.

Special Adviser Le Duc Tho: The effort that I wanted to speak of here—the timing of the meetings and not about the proposals. The proposal has some problems to deal with because at our first meeting you raised a question of timetable of negotiations. Therefore I want to know your view.

Dr. Kissinger: In the past it was always the Special Adviser who refused to set a timetable.

Special Adviser Le Duc: But you have not said anything concrete.

Dr. Kissinger: Well let us not worry about the past months. The trouble as I see it, and I have to study your proposal and you have to study my proposal, is that we are still far apart. That is my impression. I have been in other negotiations where I could say there was agreement in principle and then I could then say we could settle it by this and this date and we settle it by that date. But I do not yet see an agreement in principle between you and us. But if we could settle it, if we want to set ourselves a terminal date by October 15 it would be highly desirable. And I will make every effort to meet that—that means finish these negotiations successfully by October 15th.

Special Adviser Le Duc Tho: But I wonder what do you have in mind, that we should come to agreement here so that everything will be settled by October 15th?

Dr. Kissinger: How to do it.

Special Adviser Le Duc Tho: If you fix a timetable of October 15th then we, too, should come to agreement before that date.

Dr. Kissinger: No, no, I thought we would reach agreement by October 15 but faster if it is possible. But I would like to know, what is more important than the date is how we are going to make progress.

I mean what will happen next? How does the Special Adviser visualize that we go from all these documents to a final settlement?

Special Adviser Le Duc Tho: So if you visualize October the 15th as the date on which we come to an agreement, then on what date do you think that the overall settlement may be reached in the other forums?

Dr. Kissinger: Well, as soon as we settle. We are prepared to refer to the other forums now those issues that are settled, which would save a lot of time, but you have the dilemma that you want to pretend no progress is being made and yet you want to make progress. And the reason you don't want to have the other forums like the Avenue Kleber forum do any serious work is because you are afraid it will create the illusion of progress. I am being very honest with you. So you face a real dilemma. If we agree on October 15th and if then you start discussing the details of the ceasefire at Avenue Kleber, in my view the ceasefire will take four weeks to discuss. We can't settle the details here. [illegible] too complex. But perhaps we can have the whole thing finished here and in the other forums by the end of November. You know what is going to happen when the PRG and the Saigon government get together to decide on the third element either of our committee or your government. Let us be realistic. It is going to take weeks before they agree on the third element. I am trying to be realistic. But on the other hand if you and we have not agreed and everything remains for after the election, then you will see the election of a President by a popular majority in favor of the war, which would be an entirely different situation. That was not the case in 1968. So we really think it is important for both of us to settle this between us as rapidly as we can. But we don't want to prolong it. You are quite wrong.

Special Adviser Le Duc Tho: It is of course a matter of fact that if we can come to a settlement, if we can agree with each other, it is a good thing. If we can't come to an agreement and President Nixon is reelected and continues the war, then if need be we will continue the fighting until the end of his term. We will do that.

Dr. Kissinger: I recognize that that is your intention but this is not the forum here to discuss whether you can continue fighting or you cannot. That is not the point. The point is can we come to an agreement to end the war rapidly. That is what we are here for. What is your concrete idea?

Special Adviser Le Duc Tho: I have told you that we want to come to a settlement. As you said, the situation is now ripe. If you are ready to come to a settlement we are prepared to do it with you.

Dr. Kissinger: Now let us be concrete. I am just trying to understand what you are saying. You have made a set of proposals to us, some

of which we will not be able to accept, which you recognize. Now how do we move from this stalemate to a solution in your view?

Special Adviser Le Duc Tho: In our view what is important for a settlement is whether you have shown good will or not. If you really desire to come to a settlement then there should be mutual comprehension and mutual trust.

Dr. Kissinger: I agree but what does it mean concretely?

Special Adviser Le Duc Tho: Let me finish.

Dr. Kissinger: I'm sorry.

Special Adviser Le Duc Tho: Only if both of us—you and us—are prompted by the same [*less than 1 line of text in the original is cut off*] comprehension and trust, can we find a settlement. For instance if now I want a settlement but you don't or you want a settlement but I don't, then no settlement is possible. It is clear because this is a negotiation there should be a mutual desire for a settlement, then a settlement is possible; then we can find a solution acceptable to both sides. If I have no such desire, any proposal you make I refuse.

Dr. Kissinger: This you have proved. You have proved that you can do that.

Special Adviser Le Duc Tho: So I wonder whether you are really moved by the desire for a settlement. Do you really want an early settlement as you say?

Dr. Kissinger: Mr. Special Adviser, I really want an early settlement and as quickly as possible. I assure you of this, and the President wants an early settlement. But what I am trying to get into my head is how we move concretely from here to a settlement. Now if you think we should come back early it is very difficult for me. The General Assembly will meet in New York. Many foreign diplomats are coming to see the President. I always have to be there when he (the President) meets foreign leaders, but I will do my best. Say for example maybe I can come next Friday, the 22nd; either the 22nd or the 25th. Let us aim for that.

Minister Xuan Thuy: Let me speak. Special Adviser Le Duc Tho raised the question of schedule in order to know your intentions. At what time do you want to come to a settlement?

Dr. Kissinger: Well, I will settle next week if it is possible. Here—do you want to sign this? (Dr. Kissinger holds up a document and there is laughter.)

Minister Xuan Thuy: Because if you want to prolong the negotiation then we will have one way of doing things. If we know that you want to have a very quick settlement then we will have another. For instance, we can meet successive days. As to the volume of work, we have a great volume of work too.

Special Adviser Le Duc Tho: And if you want 15 days or 20 days between the two meetings then we will have a suitable way dealing with it.

Dr. Kissinger: I understand your point. We are prepared to meet on successive days in principle. We don't think it is useful tomorrow because we have to study your documents. But do you think it would be useful to meet tomorrow?

Special Adviser Le Duc Tho: I think that we can't come to a meeting tomorrow because we need time to study.

Dr. Kissinger: That is what I think. You need time to study our documents. But let us plan that the next time I come, which could be—I will have to check it when I come to Washington—I will let you know Monday. Let us aim for next Friday and I will be prepared to stay Saturday or we can do it the following Friday which would be better for me and I stay two days then. We could do it on the 29th.

Special Adviser Le Duc Tho: Can you come next Friday?

Dr. Kissinger: I will let you know Monday.

Special Adviser Le Duc Tho: The 22nd.

Dr. Kissinger: Or two weeks from now, which do you prefer?

Special Adviser Le Duc Tho: If you propose the 22nd of September we agree to that.

Dr. Kissinger: And I will prepare to stay an extra day but I may have to move it, just so we don't get into any misunderstanding, to Monday the 25th. In either case I will stay two days.

Special Adviser Le Duc Tho: It is up to you if you come on Friday the 22nd and you remain here Saturday.

Dr. Kissinger: And if I come Monday, I stay Tuesday but then I have to tell the Special Adviser that if we really want to make progress he should study carefully what we have said because we are close to the limit of what we can do. I am serious about this.

Special Adviser Le Duc Tho: So are we. We are close to the limit.

Dr. Kissinger: Even when we begin drafting the provisions it is going to be very difficult.

Special Adviser Le Duc Tho: Please study the proposal carefully. We have many new elements.

Dr. Kissinger: I have noticed several of them and I am sure I will notice others. Could we have—I don't know whether you have time, but we have some more time on our side and if we could take a brief break and let me ask some questions about your plan so that we understand it. But not too long, *[less than 1 line of text in the original is cut off]*.

[The meeting broke at 2:30 p.m.]

[At 2:45 p.m. Le Duc Tho and Dr. Kissinger met in the Sitting Room and the following conversation took place.]

Special Adviser Le Duc Tho: Our negotiation has lasted very long. If you want a quick settlement we will do that. If you want to drag on we will do that.

Dr. Kissinger: We want a quick settlement but it can't simply be an acceptance of your proposals. You have to study our proposals.

Special Adviser Le Duc Tho: We are. We are. But if you aim in the direction of the settlement and we have the same attitude then we will settle, but if you don't and we don't then there will be no settlement.

Dr. Kissinger: We will aim at a settlement.

Special Adviser Le Duc Tho: We do too.

Dr. Kissinger: Let us both aim at a settlement and then I will take the Special Adviser to Harvard. It is safer for him to go there than for me.

Special Adviser Le Duc Tho: (Laughing) After the settlement you will bring me to Harvard and and I will bring you to Hanoi.

Dr. Kissinger: Absolutely. Good. We will plan that. [Mr. Lord brings Dr. Kissinger a note that there are newsmen outside the house.] [To Mr. Tho:] Don't shout at me, they might be listening.

Dr. Kissinger: May I say something. If your allies print all this stuff in the newspapers there will be no settlement because we will have to spend all our time explaining to the press why we don't accept it.

Special Adviser Le Duc Tho: We have agreed with you not to make public the content of the private meetings unless you are unwilling to settle the problem.

Dr. Kissinger: He is always threatening me.

Special Adviser Le Duc Tho: But you have made many threats against me.

Dr. Kissinger: Never.

Special Adviser Le Duc Tho: You threaten me with bombs and shells but we are brave in fighting.

Dr. Kissinger: You are brave.

Special Adviser Le Duc Tho: Before our last meeting, before each of the meetings there was one Loi Phong operation in Quang Tri. You have dropped a great amount of bombs. It is unthinkable.

Dr. Kissinger: When this war is over, Mr. Special Adviser, I will give you my views on military strategy.

Special Adviser Le Duc Tho: And the Liberation Forces have been fighting very hard. They have not yielded an inch for three months now, despite an unprecedented amount of bombs dropped on Quang Tri.

Dr. Kissinger: They have fought very bravely. No, we told you at our first meeting I thought you were a heroic people. The only thing

I am not sure of is whether heros know how to make peace. You have proved that you can fight wars.

[2:55 p.m.—The meeting reconvened around the Conference Table.]

Dr. Kissinger: Well I think we have made our first agreement in this meeting—in 17 meetings—that we are trying to settle the war by October 15th. We shall approach our meetings with that attitude. To come rapidly to a conclusion. Now may I ask the Special Adviser the status of these various papers. And after I have finished my questions I would like to make a general observation as to the future of the negotiations.

First the Special Adviser gave me a list of North Vietnamese principles. Again I am thinking of concrete ways of advancing matters. The Special Adviser thinks that perhaps both sides publish their principles with each side taking note of what the other side has said or is this simply for our information?

Special Adviser Le Duc Tho: Please put all your questions.

Dr. Kissinger: Shall I ask—or will you answer this one?

Special Adviser Le Duc Tho: The previous time you gave us a document, made a statement on the principles. You stated a number of principles there. The last time we expressed our views, our principles and today we expressed a number of views. We recall these principles and views for your information.

Dr. Kissinger: For our information, because we could handle it in two ways. We could say this is for our information; this is fine. Or each side could at some point publish a document of principles of which the other side takes note.

Special Adviser Le Duc Tho: Today this document is given for your information. As to the publication of the document, that we shall discuss after we have reached the overall settlement.

Dr. Kissinger: After we reach the overall settlement it doesn't make any difference what we publish. Well, then, I don't have to make any comments on any specific points that the Special Adviser raised with respect to the principles. Is that right?

Special Adviser Le Duc Tho: Right.

Dr. Kissinger: All right. Second, let me make a comment about the 3 topics that the Special Adviser raised so that in preparing for our next meeting, which we will plan for two days, we can be thinking appropriately.

The first is the question of Vietnamese integrity and Vietnamese unity and respect by the United States for that. The difficulty in affirming the unity of Vietnam is that there is no unity in Vietnam at this moment. But we are prepared to make a statement that we will not

oppose the unification of Vietnam and that after it is unified we will respect its unity. Something like that we can do.

Special Adviser Le Duc Tho: I think in the Geneva Agreements it is stipulated about the independence, sovereignty, unity and territorial integrity of Vietnam. But it is not a question of when Vietnam will be reunified.

Dr. Kissinger: We have no problem about reaffirming the provisions of the Geneva Accords, so I think we can find appropriate language. Point 2 about the total withdrawal of American forces, I think this too can be solved. I would like to ask the Special Adviser though because I keep seeing it reappear. What exactly does he mean by the withdrawal of technical personnel? What is his definition of technical personnel?

Special Adviser Le Duc Tho: Technical personnel—we meant here the military technical personnel.

Dr. Kissinger: Military technical personnel.

Special Adviser Le Duc Tho: Yes.

Dr. Kissinger: Not economic technical personnel?

Special Adviser Le Duc Tho: No.

Dr. Kissinger: All right, that is a useful clarification. With respect to—again when we talk about troop withdrawal, you have under your paragraph 2 that United States military aid to Saigon will end when the ceasefire comes into effect in South Vietnam. Then you said orally that your aid to the PRG will end at the same time but I see no provision for that in your plan.

Special Adviser Le Duc Tho: Later on, after discussions, we shall add that.

Dr. Kissinger: I just wanted to point it out. Now secondly we have pointed out under our paragraph 9 that in case of a ceasefire there should be no further introduction of military equipment into Indochina. This would of course also cover our military equipment, so perhaps in preparing for the next meeting—we are not negotiating now, I am just trying to get prepared for the next meeting—you can look at the provisions of our paragraph 2 and paragraph 9 and see if they cannot be made into a statement that is consistent with your views.

Special Adviser Le Duc Tho: In this connection we shall study and we shall express our views.

Dr. Kissinger: That is right. You don't need to respond now. If we are going to move rapidly it is important that we know in which direction we are going to move. This is the purpose of my remarks now. It is not to have a long debate with you. We have no problem about making clear that we have no intention to interfere in South

Vietnam and that we do not insist on a pro-American government in Saigon.

Now with respect to your third point—the political problem in South Vietnam. The third of the points you covered—4th point of your proposal. First of all let me call your attention to the new elements in our plan: The composition of the Committee for National Reconciliation, and then one can discuss its functions. The fact that the Committee for National Reconciliation has the right to review or help review the constitution; the fact that the new government will have members from each group in its Cabinet in proportion to the number of votes they receive, which is therefore indirectly a coalition government. The fact that we have speeded up the election process but now you tell us too much (laughter). The fact that we agree to settle military and political issues together before withdrawal and POW releases begin. These are elements that you should study carefully, and also our interpretation of the ceasefire.

Special Adviser Le Duc Tho: Our views are different in connection with the resignation of Thieu.

Dr. Kissinger: We have a number of differences.

Special Adviser Le Duc Tho: For our part we feel that Thieu should resign after the settlement of all questions, but you don't mention anything about that.

Dr. Kissinger: He has already agreed to one month before the election but we have already told you we can extend that, but again I would urge you to study this more carefully because I do not believe that your present proposal in its present form will lead to a rapid solution.

Now with respect . . .

[Thuy and the Interpreter talk to Le Duc Tho.]

Interpreter: Please repeat.

Dr. Kissinger: I said the present point 4 of the DRV proposal will not be acceptable unless it is modified. Now we are just suggesting you study it.

Special Adviser Le Duc Tho: You should also modify your point 4.

Dr. Kissinger: We will both study it, although our associates think we have already modified it far too much.

(Laughter)

Dr. Kissinger (cont'd): I will unify Vietnam all by myself. Both the North and South Vietnamese will hate me.

(Laughter)

There will be agreement on one point.

(Laughter)

Now on the reparations I will be honest with you. If I wanted to delay the negotiations I would talk about this forever, because there is no one in America, including McGovern, who would recommend—who could survive politically by putting an obligation for reparations or indemnity into an agreement and the sum of \$9 billion in any form does credit to the Special Adviser's optimism but not to his understanding of the American Congress. (Tho laughs)

Special Adviser Le Duc Tho: What are your concrete views on that subject?

Dr. Kissinger: My concrete views are along the lines of what we discussed last year—a promise by the President of what he will do, which will not be in the agreement and which in my view cannot be \$9 billion. But if you insist on it, we can talk about it at great length.

Now let me understand just one point about your armed forces in the south. If I understand you correctly, you said the armed forces that are fighting for the PRG in the South are mostly South Vietnamese regrouped to the North and North Vietnamese volunteers?

Special Adviser Le Duc Tho: You should pay great attention to the question of reparations.

Dr. Kissinger: We will study every paper you gave us very carefully.

Special Adviser Le Duc Tho: I said that the South Vietnamese who return to South Vietnam and a number of North Vietnamese volunteers organize into units and go south to fight the Americans.

Dr. Kissinger: And the regular North Vietnamese army is where?

Special Adviser Le Duc Tho: They organize themselves into units and go South. You remember that at the time of the regroupment a half million South Vietnamese went North.

Dr. Kissinger: So are you saying that most of your regular army has volunteered for service in the South?

Special Adviser Le Duc Tho: Both South Vietnamese regrouped in North Vietnam and North Vietnamese volunteered to go South.

Dr. Kissinger: We were under the impression that most of your divisions are in the South but they can be volunteers. I am not denying it.

Special Adviser Le Duc Tho: There are many South Vietnamese who have organized themselves into units. Moreover, in South Vietnam there are a great number of North Vietnamese who have been settled in South Vietnam for a long time.

Dr. Kissinger: But where is your regular army?

Special Adviser Le Duc Tho: In North Vietnam.

(Laughter)

Dr. Kissinger: Mr. Special Adviser, I must say you are an amazing pacifist because we think you have no army in North Vietnam, but that shows your peaceful character.

Special Adviser Le Duc Tho: There are many units in North Vietnam. We have to defend our rear too.

Dr. Kissinger: I don't think the Chinese will attack you.

(Laughter)

Minister Xuan Thuy: I think that sometimes you are wrong in believing your intelligence agents.

Dr. Kissinger: Well our trouble has been that when we thought your army was in the North, it was in the South, but now you tell us your army is really in the North.

Minister Xuan Thuy: What I mean is that there are military units left in North Vietnam to defend our rear in case you parachute commandos.

Dr. Kissinger: I won't repeat that remark when I visit Peking next time. Well, let me—I think you have answered my questions but let me make a general point.

The Special Adviser has asked—are we trying to drag out the negotiations or are we trying to conclude it. And we spent nearly an hour on an abstract discussion of that problem. First, I want to repeat again that we want to conclude it; that we will set ourselves the goal of ending it by October 15th in this forum.

Special Adviser Le Duc Tho: The overall settlement.

Dr. Kissinger: In this forum and then we open the other forums. But if we can speed it up so much the better; but in order to achieve these objectives we have to have a concrete program. If we keep reading to each other separate proposals I will still be meeting with the Special Adviser here next year and two years from now. I will never get him to be able to visit Harvard. So I think we should make a concrete effort to amalgamate these propositions and to get them into an agreed form.

Now the Special Adviser said for example that military questions are essentially agreed to, so let us spend part of our time at the next meeting in expressing that agreement in language which we both share; and of course we also have to work on the political problem.

Now one point I also want to make in order to be sure that there will not be a misunderstanding. On the international control commission, I do not believe that India will be acceptable to us as a neutral member. I have no name at the moment, but I will bring a list of acceptable countries. But I am certain we will not accept India as a neutral member.

Special Adviser Le Duc Tho: Next time you will bring . . .

Dr. Kissinger: I will bring a list of acceptable countries and we will try to select—well, there are two categories of countries as I understand,

your proposal. One for the 3 member group and then each of us can nominate one other so we will bring to you a list of countries to replace India that will be acceptable to us and a list of other countries whom we would nominate. So what we can accomplish next time is to draft our agreements on the military issues, to begin drafting the provisions for international guarantees and to discuss further the political questions to see whether we can come to an understanding. We will aim for next Friday and Saturday but I will have to confirm it on Monday. Is this work program acceptable to the Special Adviser?

Special Adviser Le Duc Tho: We have agreed to your coming here on next Friday but you said that you will confirm it on Monday.

Dr. Kissinger: Yes, and if I don't come on Friday it will be the following Monday. In other words then it will be the 25th and then I will stay for the 26th.

Special Adviser Le Duc Tho: The reason why I have proposed our next meeting on Friday is to meet your desire to come to a quick settlement but if you can't come on Friday, then come on Monday.

Dr. Kissinger: Thank you. I appreciate the courtesy. I think it's our mutual desire for a quick settlement.

Special Adviser Le Duc Tho: But I think that the next time besides discussions on the military question and international control and supervision the main question we should concern ourselves with is the political question.

Dr. Kissinger: That is the main unsolved question. But I think if we want to come to an agreement we have to draft an agreement on the other questions as well.

Special Adviser Le Duc Tho: You said you would make an effort to end the war by October 15th or earlier, and I agree with you on that statement. If we can reach complete settlement by that date it would be better.

Dr. Kissinger: It would be a very happy day for all of us.

Special Adviser Le Duc Tho: But I am afraid that if agreement is reached between you and us by October 15th the war will go on for a long time. If so, it is not advantageous for us both.

Dr. Kissinger: If you and we come to an agreement, we will end the war together. We have carried out every agreement we have ever made and we would not make an agreement with you if we did not want to implement it. If we come to an agreement we will do what is necessary to make it succeed and we will assume you will also.

Special Adviser Le Duc Tho: The next time I propose that we shall complete the discussion of the political problem, and at the same time discuss the military questions too and draft language. Through detailed discussions and step by step we will come to an agreement, so that when

we complete discussions on the political problems then the military questions will have been solved. If you follow this direction towards a settlement we will do the same.

Dr. Kissinger: I agree to that direction but you have to keep in mind what we said to you about the political settlement. Desire is not enough but that will be our intention and we agree to this program. And this should keep us busy for two days. Good. Thank you for your courtesy and your usual hospitality.

Special Adviser Le Duc Tho: But you should make an effort.

Dr. Kissinger: I never engage in over confidence as long as I deal with Mr. Special Adviser [*less than 1 line of text in the original is cut off*] Kleber instructions to fight at only half speed at the plenary sessions while we are preparing for these meetings? You will have a problem with the Minister. If we settle it, he will go to Avenue Kleber every Thursday for 6 more months.

(Laughter)

19. Memorandum of Conversation¹

Paris, September 26, 1972, 10:30 a.m.–4:20 p.m.

PARTICIPANTS

Le Duc Tho, Special Advisor to the DRV Delegation to the Paris Peace Talks

Xuan Thuy, Minister, Chief DRV Delegate to the Paris Peace Talks

Phan Hien, Advisor to the DRV Delegation

Nguyen Dinh Phuong, Interpreter

Mr. Thai, Notetaker

Second Notetaker

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs

Winston Lord, NSC Staff

John D. Negroponte, NSC Staff

David A. Engel, NSC Staff, Interpreter

Peter W. Rodman, NSC Staff

Miss Juliette L. Pineau, Notetaker

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 1021, Alexander M. Haig Special File, Kissinger and Haig Memcons with Thieu [3 of 4]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at 108 Avenue du Général Leclerc in Gif-sur-Yvette. The residence, formerly owned by the artist Fernand Léger, became a property of the French Communist Party on Léger's death in 1965. The Party made it available to the North Vietnamese as one of the locations for the negotiations. All brackets, except those indicating illegible text, are in the original. The tabs are attached but not printed.

Kissinger: This is a beautiful house. Do you come here on weekends or did you just get it?

Le Duc Tho: The house belongs to one of our friends; we borrowed from him.

Kissinger: The Special Advisor always has another move up his sleeve. [Laughter]

Le Duc Tho: What move do you mean?

Kissinger: Well, like another house that we didn't know about.

Le Duc Tho: Shall we determine now the timetable? Because we will have two successive days. Therefore I propose today we will work until 3:30.

Kissinger: All right.

Le Duc Tho: Have you anything to say? Or otherwise we shall begin our work.

Kissinger: No, we should work today until 3:30 and then tomorrow perhaps meet at 10:00. Is that convenient, or do you prefer 10:30?

Le Duc Tho: 10:00 is all right.

Kissinger: Because we wanted an extra half hour because of the time change today. It's only 5:00 in the morning for us.

Le Duc Tho: In Hanoi it is afternoon, 4:30 in the afternoon.

Kissinger: But you didn't come from Hanoi last night. [Laughter] Yes, I agree, Mr. Special Advisor, let's work until around 3:30 today. Are we definitely planning to meet then tomorrow?

Le Duc Tho: Because we have agreed last time to have . . .

Kissinger: No, if we are sure then I would like to let Washington know now.

Le Duc Tho: . . . to have successive days.

Kissinger: Yes, it's fine with me. I just left it open so that it wouldn't create too much confusion if for some reason we decide not to meet. But I am prepared to stay and it's fine with me.

[Mr. Lord leaves to give instruction to Colonel Guay.]

I got caught at a press conference where I wanted to talk about the Soviet Union but they all wanted to hear about Vietnam.

Le Duc Tho: Yes, we did receive an excerpt of your press conference.

Kissinger: You probably have the whole text.

Le Duc Tho: You sent it.

Kissinger: I sent you an excerpt, but you also have the whole text?

Le Duc Tho: No, we do not have it. We have not yet the complete text.

Kissinger: I will send it to you. But I sent you the most important part. The rest was just my saying three times that I wouldn't say

anything. I don't have the mastery in handling our press that the Special Advisor does. [Laughter] He has restrained his impulses on this visit.

Le Duc Tho: But you yourself often hold press conferences too.

Kissinger: But I haven't said anything about Vietnam. I hold a press conference every time the President speaks, to explain what he meant. Or when we make an agreement. If we make an agreement here, Mr. Special Advisor and Mr. Minister, you will be amazed what good things I will say about you to the press to defend the agreement.

Le Duc Tho: But so many conferences, you have held enough already.

Kissinger: You think I have held enough press conferences?

Le Duc Tho: Yes, so many press conferences, you have held enough.

Kissinger: Enough? If we make an agreement I will have to explain it. You'll have to suffer through at least one other. [Laughter] But then I will be very positive.

Le Duc Tho: But first of all you should have a positive attitude at the negotiation, then afterward you will be positive at the press conference.

Kissinger: I was wondering when he would hit me. I've been here five minutes without getting scolded. I always say good things about the Special Advisor in public. I always praise him publicly.

Le Duc Tho: Yes, in the course of our negotiations at times you praise me, but at times you worry me.

Kissinger: Worry you?

Le Duc Tho: Scold.

Kissinger: Scold? Never personally.

Le Duc Tho: Yes, I told you about that. Let us begin our work.

Kissinger: I think since we are in your new house, I think you should inaugurate it. The Minister looks better today. Are you feeling better?

Xuan Thuy: Yes.

Kissinger: Ambassador Porter is impatiently waiting for your return. There are some adjectives he hates to use with your deputy.

Le Duc Tho: Let me speak first this time.

Kissinger: Please.

Le Duc Tho: Last time, Mr. Special Advisor spoke about the schedule of the settlement of the war in a way that is not clear and certain. Today, I would like to know your clear views on this schedule of negotiations because this schedule is related to the conduct and the content of negotiations. Therefore, we should discuss this point first.

Of late, Mr. Special Advisor said that the situation was ripe to reach an overall settlement, but there was not much time left. You

affirmed that the U.S. side really wants a quick settlement, the sooner the better. You also said that also was President Nixon's desire. You also said that you would strive to settle the war by October the 15th and you would adopt in this direction in future meetings so as to rapidly reach a settlement. But at one point you said that October the 15th was only the date on which agreement would be reached at this forum, and the discussion on the questions here and other forums would be completed by the end of November 1972. You also said that if at the election day we have not settled the problem and President Nixon would be reelected with the majority of the people standing for the continuation of the war, then the questions will be different. How will the question be different? Do you intend to threaten us? If so, your threat will have no effect at all. I would like to ask Mr. Special Advisor very frankly and seriously that.

First, we wonder whether the U.S. side wanted to drag the negotiation until after the election, then the war would be prolonged. Secondly, we wonder whether the U.S. wanted to put an end to the war and sign an overall agreement by October the 15th. So you should choose one of these two directions. If you choose the first alternative, then we would conduct the negotiation in another way. And we would resolutely carry on our struggle until we achieve our fundamental national right. If you choose the second alternative, then we are also prepared to do with you to seek a settlement and to seek to find out rapidly a settlement acceptable, satisfactory, to both sides. And there is not much time left. If you choose the second alternative then there is not much time left and it is time now we should join effort and decide a schedule of the negotiation, for really straightforward and forthcoming talks. We should put forth our proposal to settle the problem in an expeditious way.

Whatever the alternative you choose, we are prepared. Therefore we would like to know Mr. Special Advisor's views on this question in a clearcut way. I think we should discuss this question first. Then we should decide a schedule of negotiations, the way to conduct negotiations, and the content of the negotiations, because these two questions are closely linked to each other.

Kissinger: Let me answer the Special Advisor. First, I would like to repeat what I said at the last meeting. We want a settlement as quickly as possible, on a basis acceptable to both sides. What I said about the election is as follows. The election has become, partly as a result of your friends in America and partly as a result of your actions, a kind of plebiscite on the war in Vietnam. This is a fact; we have not made it so. It is also the case, if you read this week's *Time Magazine* or today's *Herald Tribune*, that the President is supported in his conduct of the war by a majority of three or four to one. I therefore want to

say that the election is not a reason for us to make a settlement. We make a settlement because we believe that the time is right, that there has been enough suffering, and that the reasonable objectives of both sides can be achieved in negotiation.

It is also a fact—and I am simply describing reality—that after the election we will be occupied for four to six weeks in reorganizing our government. We will change many of our top personnel, and inevitably the President and to some extent I will be occupied with this responsibility. So this will enforce a delay.

Secondly, you remember yourself that after a new President is elected he has a very great popular support. And there will be no public pressures for us to deal with this issue. On the contrary, he will have a great deal of public support for any course he will want to take.

But this is an academic question. I am not threatening you, Mr. Special Advisor. For three years you and I, I on behalf of the President, you on behalf of your Politburo, have seriously attempted to make peace. We know each other too well to realize that we cannot deal with each other on the basis of threats. And therefore I can assure you we would like to settle the war quickly. I am prepared to come back here again very shortly, for three days, or four days if necessary. And we are prepared to adopt an expeditious handling of the negotiations.

On the other hand, if this is our intention we must be realistic. And realistically, we have a very big task ahead of us. Up to now we have been exchanging abstract documents. We agree on some points and we disagree on other points. Even on the points where we think we agree there are many nuances of difference. Even on the points where we think we agree without differences in language, we have never really spelled out the implementation. And then of course there are some points where we don't agree at all. So this is a very big task we have.

Now, in order to finish quickly, two things at least are needed. First, the intention to settle quickly. Second, the elaboration of conditions which lend themselves to be implemented quickly. We have the intention to settle quickly. But let me say a word about the terms. And I will speak frankly because we haven't enough time any more to beat . . . to be complex. I know the Special Advisor believes that we can do anything in Saigon that we want. Unfortunately, I have never met a Vietnamese who is easy to push around.

Le Duc Tho: [Laughs] That is something very strange indeed.

Kissinger: It is a national characteristic, for which I respect you.

Le Duc Tho: Our characteristics are different from those of South Vietnam, and Nguyen Van Thieu.

Kissinger: We will discuss that more when we have some time. To some extent they are different. But extreme stubbornness is common

to both. [Tho laughs.] You may not believe this, but I did not have at all an easy time on my visit to Saigon or in the period afterward. And I tell you frankly that some of the proposals we made the last time did not have the full approval of the Saigon Administration.

Now the reason I mention it is as follows. You had an experience in 1968, in a much simpler situation, where an agreement between you and us was delayed for months in implementation because of difficulties that existed elsewhere. So the problem is that if you are too ambitious in your demands, first it is doubtful that we will accept them, at least quickly, or at all. And secondly, there will be months before the whole negotiation can be completed. I am talking abstractly.

But let me say three things that I believe have to be done now:

First, we have to reach basic agreement on each of the major issues. And this means not only agreements in principle but precise language on which we . . . which we can then write down. And after we have the precise language we have to decide which forum should handle it.

Second, after we have agreed on the wording of these points we should agree in some cases on the precise implementation. To show our good will we have brought along some precise implementation papers for four of the points. We also have to decide to which forum they should go.

Thirdly, of course, we have to settle the issue which most divides us, which is the political issue.

Now, can the whole thing be settled by October 15? And only the issue between us? I frankly do not know. I am prepared to work rapidly. The more quickly we agree among each other the more quickly we can open the other forums, and then the more quickly we can settle it. There will be no delays from our side. If we could settle this war in October in all the forums we would think that we have achieved a very great and historic thing.

That is my concrete answer to the Special Advisor.

Le Duc Tho: Let me speak. Last time I have expressed my views in connection to the election in the United States. You and we have decided to leave aside this question, because the Presidential elections in the United States is a question decided by the American people and not by the Vietnamese people. The American people go to the poll, and not the Vietnamese. Therefore in this question you have said and we have decided to put this question aside.

As for us, during the last few meetings we have repeatedly said that we come here with good will and serious intent. But the question of settlement does not depend solely on us. It depends on you too. Therefore, if you come here with good will and serious intent only in this way can we reach settlement. As far as you are concerned, as you

said, the situation is ripe, and if you are prepared for a quick settlement we are prepared too. And I agree with you too that if we can settle the problem in October it would be a historic event, and we agree with you to settle the problem in that month.

I would like to ascertain whether you are prepared to settle the problem within the month of October. If so, we are prepared to do this too.

Kissinger: Yes, we are prepared to do this in the month of October. Of course it depends on whether we can agree on the conditions. But we are here to approach it with the attitude of settling it in October.

Le Duc Tho: If you decide to settle the problem within the month of October we agree with you to do that.

Since we have agreed on that point, of settling the problem in October, we would now propose a schedule to conduct the negotiations and a way to conduct the negotiations, so that we can agree on that question.

From now to early October 1972, at this forum we should have agreed at this forum on the questions mentioned in our 10 points and in your 10 points. And this agreement at this forum will serve as a basis for the other forums to rapidly reach an agreement and to proceed to the signing of agreements. This schedule is related to your visit to Hanoi. If we can agree by early October then we shall think and arrange your visit to Hanoi, because these two questions are related. Then from early October to around about October the 15th or some time later, then we shall complete all the settlement, an overall settlement, and then the overall agreement would be signed to end the war. If this schedule is agreed to, then in our view our talk here on September 26 and 27, these two days, have very decisive character. We have put forward this schedule. I wonder whether you agree to it or not.

Kissinger: Well, of course the Special Advisor is a great theoretician and he's talking in very general terms. As I said before, no dates will do us any good if we don't come to an agreement. But let us be precise. I can stay through tomorrow. The earliest date after that at which I could come back would be October 5—although that would deprive Ambassador Porter of the Minister, and I can barely take that responsibility. [Xuan Thuy smiles.] [To Xuan Thuy:] The 5th is a Thursday. He always asks for you.

Xuan Thuy: I know.

Kissinger: So I could come back, and stay three, if necessary four, days. Assuming we finish our work by then, which would be say the 7th of October—of course I am prepared to finish our work this time, but I want to be realistic—if we finish our work by October 7th we can then open the forums the following week. That still gives us the month of October to complete the work.

I want to tell the Special Advisor another thing. I have made preparations so that my Deputy, General Haig, can leave for Saigon as soon as I return, in case we make significant progress, and no time is wasted. So I would then propose that between this time and the next time I come here my Deputy will have been in Saigon and we can make a big step forward. But this will be justified only if we make a big step on this trip, in this negotiation. So I think our schedule is not so different. I think if I understood the Special Advisor, we might be able to finish by the end of my next visit here.

Now, may I ask the Special Advisor a question. He mentioned something about a visit by me to Hanoi. Of course I am assuming that the Special Advisor will be there; I would hate to be there alone!

Le Duc Tho: Please finish your idea. Then I will answer.

Kissinger: My question is when should this trip take place? Should it take place after everything is finished, in which case it would only have ceremonial nature? Or should it take place before we concluded our agreements here? Or should it take place after we have concluded our agreements but before the other forums open? And finally, are you thinking of a secret trip or a public trip? Of course a secret trip would be announced afterward. Could you answer those questions?

Le Duc Tho: Let me speak first about the schedule. You spoke of my proposal on the schedule as something academic or theoretical, but it is a practical question and it shows our desire to settle. And I table this schedule for an exchange of views, so you have made a counter-proposal.

Kissinger: I have made a specific proposal, which is realistic in terms of my own schedule.

Le Duc Tho: I think your schedule is all right. Because we should reach basic agreement at this forum at the end of your next visit here, from October the 5th to October the 7th.

Kissinger: I would a little prefer from the 6th to the 8th if that is equally convenient for the Special Advisor, but I will adjust it to suit him.

Le Duc Tho: That's all right. If we can come to agreement on all questions and then the work at the other forum will be rapid, we will deal with our ally and you with yours. Then when the question is put forward at the other forum, then everything has been arranged and the settlement will be quick. And according to the schedule that you mention, I envisage that it would take two weeks and then everything will be over, but if it can be sooner, the better. But that will need your efforts and ours too.

Kissinger: It depends . . . I want to be honest with the Special Advisor. It depends on the terms. There are some terms in which it

can be done in two weeks. There are other terms in which it can't be done in two months. If you ask somebody to commit suicide, he has no reason for accepting.

Le Duc Tho [laughs]: Therefore you should be reasonable and we, we should make an effort.

Kissinger: I agree.

Le Duc Tho: And because if you put forward excessive demands, then it will not be acceptable to us. Because we have principles to abide by, but we should show flexibility too. We cannot pass these limits. This is something I have frankly to tell you.

Kissinger: We are both in the same position. But in principle, if we make a reasonable settlement, then if we agree on the 7th, whether it's possible in two weeks or three weeks, we could spend the rest of October on an overall settlement and certainly settle it by the end of October.

Le Duc Tho: You mean everything would be over, you mean by that the end of the war, everything?

Kissinger: If the Special Advisor and we agree here on the 7th or 8th of October, if we then open the other forums quickly, and if the terms are, as the Special Advisor said, reasonable, so that we can both speak to our allies, then the other forums should be able to finish their work by the end of October and the overall agreement is signed before November 1. This is our, a possible, program.

What does the Special Advisor think about the trip to Hanoi? We don't have to take it; what we should do is what helps us end the war quickly. Because the Special Advisor has invited me in any event for after the war, so I'll have the pleasure of seeing Hanoi anyway. [Laughter]

Le Duc Tho: So I agree with Mr. Special Advisor. And I repeat here, from October the 6th to October the 8th, between us, Mr. Special Advisor and myself, we finish with this forum. Afterward the matters will be referred to the other forums and all the work will be over by the end of October. And if this schedule is adopted, then as concerning the way to conduct the negotiation, the way to conclude the agreements, the contents of the agreements, in all these matters we should make efforts, both sides.

Kissinger: If there is a deadlock after we have agreed it might be necessary for the Special Advisor and me to meet to see whether we can resolve it. If the other forums have a deadlock. I would be willing to remain available and I hope the Special Advisor would be, to give impetus to the negotiations.

Le Duc Tho: I shall do the same. We agree to that, and both sides should make an effort and adopt a correct attitude, reasonable, logical

terms acceptable to the other side, and no side should make coercion against the other side, and both sides should show good will to the other side.

As to your visit to Hanoi, I think in this connection after we reach basic agreement between we two we can agree to your visiting Hanoi. But there is one point I would like to straightforwardly bring to your knowledge. I think your trip to Hanoi is something to be discussed with you. We should discuss how you will visit it, the program of your work there, the plan of your visit. I mean by program the items to be discussed between you and our other leaders.

But there is still an important point I would like to tell you now. When we have reached basic agreement at this forum, then after we reach basic agreement at this forum we think that it is time for you to stop the bombing and mining of North Vietnam. Because in our view when we reach basic agreement here, I think that the war has been settled in the main. Then when basic agreement on all questions have been reached, then we agree on your trip to Hanoi. But it would not be understandable to anyone when we have come to agreement and when you go to Hanoi and the bombardment against North Vietnam continues. The circumstances in our country are different from those of China and the Soviet Union when you visited those countries. Our people have fought against U.S. aggression and for national salvation for 10 years now, and the war is still going on. Hatred has not died down, and nevertheless we receive you as a very important personality representing President Nixon. If the mining and bombing are not halted to create the suitable atmosphere for your reception, this could constitute a great obstacle.

I have brought up this question very frankly and straightforward. It is the objective situation. This does not mean that we create difficulty for your trip to Hanoi. This is one point I brought up for your consideration and thinking.

I sum up. Basic agreement having been reached between us both, and while the war is still going on and in the conditions you know, because a basic agreement have been reached between us both when you visit our country, if the bombing and mining is stopped then it is something good, and the war is settled in the main by that time. And the bombardment against North Vietnam for the last few months constitutes a violation of an engagement made by the United States. You should have stopped the bombing before. And since we will have reached basic agreement when you visit Hanoi, then the bombing should be stopped. It will create some favorable atmosphere.

Kissinger: May I ask the Special Advisor, on the trip to Hanoi, I look at it as a practical question. If it can make a contribution toward ending the war I am willing to do it. But if we have already settled

the principal questions here, then why should I go to Hanoi? Why not wait then till we have the overall agreement signed and then go afterward? Then the war will be definitely over.

Le Duc Tho: In our view, when we have reached a basic agreement on major question here, then it will be favorable condition for your visit to Hanoi. Suppose now if you go to Hanoi and when you go out of the visit with no agreement at all, it would be unfavorable, disadvantageous, for both sides.

Kissinger: I understand that, but if we have already reached an agreement then why should I go to Hanoi?

Le Duc Tho: If you go to Hanoi without achieving results then it would be disadvantageous for both sides.

Kissinger: I understand this, and I am perfectly willing to reach agreement here. In fact, if we reach agreement here then maybe we ought to spend our time better spending the rest of the month here trying to implement it than spending a week going to Hanoi.

Le Duc Tho: Here there are two questions. First, if there are questions you feel you wanted to discuss in Hanoi, please put it out. Then we shall consider it. But the second point is that we should settle all the major questions here and then the discussions in Hanoi it would be quicker and more certain, because if you go to Hanoi without reaching a settlement it would be disadvantageous for both sides. Or otherwise, if you feel that all the basic agreement has been reached here and we should continue to remain here to settle all questions and you no longer wanted to go to Hanoi, then it is up to you to decide.

Kissinger: To me the trip to Hanoi is a practical matter. If it helps to settle the issues I will be glad to go to Hanoi. If we have already settled the issues, then there is no point going to Hanoi, and then we should stay here and use our influence with the other forums.

Another possibility is—and I am just trying to plan—if on the 7th and 8th we are nearly agreed, then we could decide to go to Hanoi and finish whatever little remains to be done to complete the agreement. So it is to us a practical question.

Le Duc Tho: Let me ask you this question. If by October the 7th or the 8th on the major questions we have reached basic agreement in the main, then what question would you raise if you plan your trip to Hanoi?

Kissinger: I don't think there are any major questions then to raise in Hanoi.

Le Duc Tho: So by October the 8th, after our discussion here, you will see whether you wanted to go to Hanoi. Or if then you feel what questions you had felt necessary to discuss in Hanoi, you will raise too and we shall see. Or if you feel you no longer want to go there, then it is up to you. So we shall decide this question.

Kissinger: All right. It is a practical question. So as not to waste time on procedural issues, if we come to agreement either here or in Hanoi on the basic questions, do you envisage that we sign it, or announce it, or how do you envision it?

Le Duc Tho: In our view, if we reached basic agreement here the matters would be referred to the four parties at Kleber Street to sign the agreement. And there will be two documents to be signed, one by the DRV and the U.S. and the other by the four parties at the Kleber conference.

Kissinger: But do we announce that an agreement has been reached, or what?

Le Duc Tho: We shall see how you envisage this question, but in our view, after we reach basic agreement here we will exchange views with our ally and you with your ally. And then there are two documents to be signed, one by the DRV and the U.S. and the other by the four parties at the Paris conference, and the four parties will sign the documents agreed upon by us here. Besides, there are a number of documents on concrete provisions, subordinated to the 10 points. One is the protocol on the troop withdrawal mentioned in Point 2; the release of peoples of the parties captured during the war, mentioned in Point 3; the implementation of the ceasefire in South Vietnam mentioned in Point 8; the international control and supervision mentioned in Point 9. We think that in this connection on these questions the experts on the two sides will study and prepare the above-mentioned documents, so that the two sides may approve the documents more quickly. Particularly the decision on the question of ceasefire—we only decide on the main points; as to the details, then this will be discussed later. This is how we envisage the problem.

As to the signing of the agreement, we are still thinking on that question—the matter of who will sign, at what level. We shall discuss this later. Or if you have any idea on this, please let us know.

Kissinger: We are also thinking about who is to sign the final agreement. But let me make this specific proposal, because this is a procedure that for us has worked elsewhere. Assuming the Special Advisor and we achieve agreement on the 7th and 8th on the 10 points or whatever, we should then announce within a couple of days after that, say Tuesday or Wednesday, that agreement in principle has been reached on the following points and that now Avenue Kleber is now directed to work to implement these principles. This will enable us to give very concrete directives to our bureaucracy. And it will create a very definite reality for our allies. We can just call this a working document, and the Special Advisor and I can initial it. Then after the Avenue Kleber forum is finished, then we will have a formal agreement and a number of technical annexes, and they will be signed in the normal way as treaties are signed.

But if we don't publish our 10 principles—or whatever it is, 10 points—that we have agreed on, then the work of Avenue Kleber will be very slow because it will be hard for them to know what they are talking about. In fact, I would propose that if we agree on a working paper and if Avenue Kleber opens for serious work, that then in any event the Special Advisor and I meet two weeks afterward to review where we stand. Even if there is no major disagreement, just to see that things are working smoothly. Because then we have an obligation, the Special Advisor and I, to see to it that we come to a successful result.

Le Duc Tho: We have put forward a way to conduct negotiations and to conclude agreements, and the documents to be signed. Now you have made a counter-proposal. We shall study it and we shall answer you later. Because primarily we think that our proposal is logical. We think that when we reach basic agreement here the matter will be referred to the Kleber Street conference, and whenever things will be settled then we shall proceed to the signing of documents.

Kissinger: But we announce that we have reached agreement here?

Le Duc Tho: I think that when we reach basic agreement here and the matter will be referred to the Avenue Kleber forum, to make the negotiation more rapid we think that our experts should study and prepare the documents to be signed and then refer it to Avenue Kleber.

Kissinger: I agree with that; that is no problem. But when we reach an agreement here do we announce that we have reached agreement, or do we just open up Kleber without announcing anything?

Le Duc Tho: We shall consider this question and answer you later.

Kissinger: All right.

Xuan Thuy: May I ask you one question? You spoke that at the signing of the agreements at Kleber Street you said that the document will be signed as it is usually done for the signing of other treaties. Do you intend who will sign the agreement?

Kissinger: We haven't considered that question yet.

Le Duc Tho: It is what we are thinking now. Let us exchange views on that matter.

Kissinger: Yes, we will come to an agreement on that question. It will not delay us. Have you any ideas?

Xuan Thuy: Because you said that the agreement will be signed as it is usually done for other agreements. Therefore, I thought you had an idea about it.

Kissinger: I have no precise idea. I would welcome yours. After everything else we have discussed, this will be the easiest question we will have. Maybe by Foreign Ministers?

Le Duc Tho: It would be good if the Foreign Ministers of the four parties will come to sign.

Kissinger: We will consider it. I think the Special Advisor and I ought to sign it.

Le Duc Tho: We shall consider that.

Kissinger: In blood. [laughter]

Le Duc Tho: As to signing by you and myself, we shall consider it and we shall answer you later. I think it is advisable to consider your views that the four Foreign Ministers will come to sign the overall agreement. Because the Vietnam problem is an important problem and a historical problem relating not only to Vietnam but to the rest of the world.

Kissinger: We have to consider it. This was thinking out loud.

Le Duc Tho: I intended to raise the same question you and I think your thinking is right.

Kissinger: It's not excluded.

Le Duc Tho: As to the signing of the document by you and myself, we shall consider that.

Kissinger: I want to explain what I have in mind. As for the agreement, this would not be a formal legal treaty, just a working document. We did this in the strategic arms talks with the Soviet Union. This was a document setting forth the direction of the negotiations from now on. Then the actual treaty was signed, in the case of the strategic arms talks, by the President and General Secretary Brezhnev. So this could be a published unsigned paper, or just initial it. On our side, it would make it easier and faster to give directions to the bureaucracy. But we can handle it. Because if we tell them to work quickly we have to tell them why, and then we have to show them the paper anyway. But you give us an answer whenever you are ready, no hurry.

Le Duc Tho: We shall answer you.

Kissinger: Good.

Le Duc Tho: Now let us sum up. So we have agreed on a schedule to settle all the problems, to reach an overall agreement and to end the war by the end of October 1972. We have agreed that we shall meet again on October the 6th, 7th, and 8th to reach basic agreement on all problems. After we reach basic agreement on all problems on October 6th, 7th, and 8th, the question of your visit to Hanoi will be discussed, whether it is necessary to go to Hanoi or it is not. We shall discuss and decide it then. And if you go to Hanoi, then we shall discuss the conditions of your visit, the program of your work in Hanoi, the way you go there. And after we reach a basic . . .

Kissinger: But you won't make my family come and get me if I go? [Laughter]

Le Duc Tho: . . . agreement here then our experts will work out the details. And when the documents have been prepared, the 10

points, the annex documents have been prepared, then we have the responsibility on us to exchange views with our ally and you with your allies, and after everything's done then it will be brought up to Kleber Street for the four parties to sign and to implement. The experts on the two sides begin their work after October the 8th when we reach basic agreement here. So that the overall agreement may be signed by the end of October 1972. As to the signing of the documents, after we reach basic agreement, the question you raised about you signing the documents and myself signing the documents, I shall answer later. Probably I shall answer next time when we meet again.

Kissinger: You mean tomorrow?

Le Duc Tho: Tomorrow if possible; if not, October the 6th.

Kissinger: That's fine.

Le Duc Tho: Because if we come to agreement there is enough time.

Kissinger: It would help me if you can't answer me tomorrow if perhaps you can answer me in the interval, because I think the President would like to know. Just send me a message.

Le Duc Tho: It is possible.

Kissinger: Two points, one minor and one more important.

Le Duc Tho: Let me finish.

Kissinger: Oh, excuse me.

Le Duc Tho: As to the signing by the four parties, after the documents and the annex documents have been prepared on the 10 points and the annex documents have been prepared, then it can be referred to the four parties to sign the agreement. And I agree with you that the four Foreign Ministers will sign the agreement.

Kissinger: I wasn't proposing it; I was just thinking out loud. I haven't discussed it with anyone yet.

Le Duc Tho: It is your thinking but it is our proposal. So I have summed up the views we have exchanged so far. Is it correct?

Kissinger: It is a correct statement, but I would like to clarify one point—two points, one is minor. The Special Advisor said we would meet the 6th, 7th and 8th, which I proposed. If he would do me the courtesy when I come back of letting me check the President's calendar, and maybe making it the 5th, 6th and 7th. It will be one or the other. But if he will do me the courtesy of letting me check I will let him know within two days. If you don't mind.

Le Duc Tho: I agree.

Kissinger: I will let you know before the end of this week.

Now secondly, I have a little trouble understanding that one procedural point. After the Special Advisor and I agree here, then my understanding was that our agreements will be referred to the other forums

as well as to Avenue Kleber. But I think I heard the Special Advisor keep saying it will be referred to the experts. I don't understand quite what he means by that.

Le Duc Tho: This is my intention. I declare it for you. My intention is to insure the schedule we have agreed upon and to insure the quick settlement. When the basic agreement has been reached between you and I and in the course of reaching the basic agreement, you will talk to your ally and I to mine, and we can see that we can reach overall agreement on all the 10 points. Then when we reach basic agreement you will appoint a number of experts and we will do the same, to discuss the concrete points, the details, and annex documents.

Kissinger: You mean American experts?

Le Duc Tho: American experts. And agree on everything. When everything has been agreed to then we refer to Avenue Kleber and then the signing will be quick. In the course of the discussions by your experts and our experts, we keep on talking to our allies. Then after agreement maybe the Kleber conference will have to take one or two sessions to finish the work. I think this way of doing it is quick.

Kissinger: Well, first of all, the Minister and Ambassador Porter can do nothing in two sessions. Each of them needs that much time to criticize the other. [Laughter]

Xuan Thuy: If Ambassador will not continue his language I am prepared to settle everything very quickly.

Kissinger: He's been waiting for you for two months. He's got a big stack of speeches ready for you. But let's forget about that. But this means, in effect, that you are dropping your procedural document.

Le Duc Tho: Because of the schedule, and to insure the timing of the schedule, we have changed a little the procedure of negotiating for a quick negotiation and quick settlement.

Kissinger: I don't think that will be a good procedure. I don't insist on every forum the Special Advisor mentioned. For example, I think the third forum . . . I've never understood what that is supposed to do. But I think we have to maintain the Avenue Kleber forum and I think it is in your interest to maintain the second forum where the NLF or PRG, whatever you call it, is talking to the Saigon administration or GVN, whatever we want to call it.

Now, the Avenue Kleber forum can create experts if they want to, and we would strongly support this. One reason why I think a working document between you and us to be published would be desirable is because it would create in everybody's mind an expectation that there would be an agreement, and a working to achieve the agreement. And then we can have these other forums. And if you and we agree—obviously if the terms are reasonable—we will use our influence to get

it done, and the Special Advisor and I can meet, if necessary, once a week to see that it is getting done. Once we have an agreement we will do our best to see that it is implemented.

Le Duc Tho: I think that after we reach basic agreement we should also discuss concrete points so when the other forums are open they will discuss implementation.

Kissinger: We have brought along some concrete papers, some specific documents on implementation of certain points. We can discuss them and these can then be the terms of reference of the other forums.

Le Duc Tho: We shall have further discussion of that point tomorrow, to see which method will be better and will insure quicker results.

Kissinger: All right.

Le Duc Tho: As to the three-party forum, maybe after the ceasefire this forum will be open.

Kissinger: That's fine.

Le Duc Tho: We can decide some time after the ceasefire, because there are many problems to discuss: the questions of relations between North and South, the question of reunification, the question of DMZ.

Kissinger: After the ceasefire. That would not be a bad time to open it.

Le Duc Tho: After the ceasefire. To save time.

Kissinger: We have to have some understandings about the DMZ before, but the implementation can be decided in the three-party forum after the ceasefire.

Le Duc Tho: We can exchange views on that, but this is a question concerning the three parties.

Kissinger: That's in principle agreeable to us.

Le Duc Tho: Have you anything else to add?

Kissinger: Only one other minor question. If we should think of this trip to Hanoi, just so I can prepare myself for the next meeting, are you thinking of making it an open trip or a secret trip?

Le Duc Tho: According to us, at the beginning—it is my preliminary thinking—it should be secret, and when you are there we shall consider whether it will be kept secret or it will be announced. But if it is not announced you will announce it!

Kissinger: [Laughs] I am not all that eager. Some of our friends will not be overjoyed if I visit Hanoi. I agree if we go we should go secretly, and then by common agreement announce it at a specified time afterward.

Le Duc Tho: We shall consider your views. Probably the next time we shall decide that.

Kissinger: Yes. All right. I think we have settled all procedural questions.

Le Duc Tho: Let us have a little break.

Kissinger: Good.

[The meeting broke at 12:36 p.m. Dr. Kissinger's party conferred outside in the garden and the North Vietnamese withdrew upstairs. After about 15 minutes the chef brought snacks into the meeting room—including sausage-like rolls (*cha gio*, or *nem*), fruit, and white wine. Dr. Kissinger's party returned to the meeting room and ate, and were joined soon afterward by the Special Advisor and the Minister.]

[They discussed a possible visit by Dr. Kissinger to Hanoi. Dr. Kissinger asked whether Le Duc Tho lives in a house or an apartment in Hanoi. Le Duc Tho said, "In a house." Tho added that it would be hard to get to his house with the bridges out, and that Dr. Kissinger would have to come over a pontoon bridge! Dr. Kissinger laughed, commenting that the Special Advisor never spoke a sentence without making a point.]

[They then discussed a visit by Xuan Thuy and Le Duc Tho to the U.S. "Where should I go?" Xuan Thuy asked. Dr. Kissinger replied, "We should send you to Arizona. It's hot and dry. It'll be good for you." "But it's desert there; I'll be alone," Xuan Thuy said. "We'll send Ambassador Porter to join you," Dr. Kissinger replied.]

[The subject of earlier private negotiations with Ambassador Harriman came up, and the North Vietnamese asked what Harriman was doing now. Actually he was not doing very much, Dr. Kissinger said. He had just married a much younger woman. Dr. Kissinger had thought this would tire Harriman out, but Harriman was still attacking Dr. Kissinger as vigorously as ever. Le Duc Tho doubled over in laughter.]

[The meeting resumed at 1:30 p.m.]

Le Duc Tho: Now let me speak about the content of the settlement.

Dr. Kissinger: Good.

Le Duc Tho: Let me speak about the content of the settlement and then we shall take up question by question to see on which points we have reached agreement and on which points we still differ. And then this afternoon we shall agree on some points and the remaining will be discussed tomorrow so as to reach an agreement.

Before going into the political problem of South Vietnam, the main question of a settlement in the Vietnam problem, we would like to reaffirm the principle of respect for the Vietnam people's fundamental right, that is the independence, sovereignty, unity and territorial integrity of Vietnam. This principle in your 10 points—your 10 points have omitted in connection with this principle the word "unity," and the formulation is not so concrete. Therefore we propose the following formulation: "The U.S. will respect the independence, the sovereignty, the unity and the territorial integrity of Vietnam as recognized by the 1954 Geneva Agreement on Vietnam." We add . . .

Dr. Kissinger: That's what you already had.

Le Duc Tho: "The U.S. will not intervene in any form in the internal affairs of Vietnam, will not use force or the threat of force against both South and North Vietnam."

Dr. Kissinger: That's your new Point 1.

Le Duc Tho: Right. Now, regarding the political problem of South Vietnam. Last time you already said that you recognized the reality of South Vietnam, that in South Vietnam there are two administrations, two armies and two main political forces. But in practice, in your document, we see that you avoid to speak of the Provisional Revolutionary Government; you only speak of the National Front for Liberation. In South Vietnam there are actually the PRG and the NLF. These are two different bodies, two organizations of different character. I think that you should not be confused in connection with these two organizations, and you should not deny the role of the PRG. And you should not consider the PRG as like the other political forces in South Vietnam, that is, that the PRG is not a government. This is something that is not correct. You explain that we should not engage in a debate on the denomination, but it is not merely a question of the name, of denomination; this is a question of principle.

As far as we are concerned, we have proposed that these two administrations, these two armies, are equal to each other. That is a concession of ours. Therefore, you should realize that point very clearly and bring about a correct, reasonable and logical solution. In the document to be signed, the official name of each party should be used. That does not mean recognition *de jure*, or legal recognition of it. The 1954 Geneva Agreement on Vietnam and the 1962 Geneva Conference on Laos did the same.

Now, regarding the question of election in South Vietnam. You propose to organize a Presidential election and the new President will form a new government, and after the Presidential election then the constitution of Saigon will be amended. So in the main you still maintain that the elections would be organized in the framework of the Saigon Administration, the Saigon institutions. We feel that such elections cannot be genuinely free and democratic which would allow the South Vietnam people to decide themselves their political future. It cannot be considered as a free election aimed at eliminating all unfair advantages of the present Saigon leaders and not giving victory for any political force of South Vietnam as you say.

You said that you will not predetermine the will of the South Vietnam people, but your intention to organize in such a way is to impose on all South Vietnam a political regime in accordance with the Saigon constitution. That is the reason why we are of the view that genuinely free and democratic general elections should elect a constitu-

ent assembly, and this constituent assembly will be really representative of the people, and this assembly will work out a constitution and set up the definitive government of South Vietnam. Only such general elections can be genuinely free and democratic, can really insure and fully insure the right to self-determination of the South Vietnam people. On the contrary, if it is decided now that the election will be a Presidential election and the President will form the government, then this would not be in keeping with real democracy.

Now, regarding the respect for the democratic liberties and national concord of South Vietnam. Your proposal deals with this question in a very simple way, inadequate way, and inconcrete. You only speak of the enforcement of democratic liberties. So how do you envisage the meaning, the content of democratic liberties? And as for us, we clearly and concretely define the content of democratic liberties and how to implement democratic liberties and national concord and the broad union of the South Vietnamese people. And I think that we should not deal with this matter in a simple way as you do. This problem is very important for the South Vietnam people, because the South Vietnam people have been living under a dictatorial and a fascistic regime. All their democratic liberties have been ignored. Hatred and enmity among the parties are rife. Therefore, we should define this provision very concretely and very clearly. Only in doing so can we implement these provisions correctly, strictly.

Now regarding the question of administration, power, in South Vietnam during the period from the restoration of peace to the formation of the definitive government of South Vietnam. We would like now to clarify on some main points. You propose the formation of a Committee of National Reconciliation that would have the task to organize and to supervise the new presidential elections. Beside that there is no other task. But you speak that the responsibilities, the task of this Committee of National Reconciliation is a question that can be discussed. But what do you envisage for this task?

If the Committee of National Reconciliation proposed by you has no authority at all, then in the actual situation of South Vietnam where there are two administrations, two armies, two different regions, how can we insure the cessation of hostilities, how can we insure the restoration of democratic liberties, preserve lasting peace and implement national reconciliation and national concord? Which body will have enough authority to implement the political and military provisions of the signed agreement that we have mentioned, as we have envisaged as the task of the Government of National Concord in the proposal we have handed to you? If there is no such authoritative body, the situation of South Vietnam will continue to be chaotic; the two administrations and two armies will continue. Conflict, hatred and enmity instead of

being wiped out will increase. The democratic liberties in South Vietnam will not be insured and that will result in the impossibility of preserving lasting peace or the implementation of genuine national concord and bringing about a stable situation to build up South Vietnam reflecting the aspirations and the will for peace, independence, democracy and national reconciliation, as you say.

Therefore, when we propose the formation of a Provisional Government of National Concord with the three components while the two other administrations, the PRG and the Saigon administration, remain in existence, this is a practical feature of the political situation of South Vietnam. And only such an authoritative government, with full power, can moderate these two administrations, and these two armies, and these three political forces. But we are very realistic; we recognize that the Provisional Revolutionary Government and the Saigon Administration will temporarily remain in existence and govern the regions respectively controlled by them during the period from the signing of the overall agreement to the formation of the definitive government of South Vietnam. That is the reason why we propose certain limitations to the internal power of the Provisional Government of National Concord. That power will cover only the implementation of the military and political provisions of the signed agreement.

Dr. Kissinger: What else is there? [The other side discusses in Vietnamese.] Well, I will ask afterward. Please continue.

Le Duc Tho: Now, regarding the question of Nguyen Van Thieu's resignation, we maintain our proposal that Nguyen Van Thieu will remain immediately after the conclusion of the overall agreement.

Dr. Kissinger: Will remain?

Le Duc Tho: Will resign. We don't know why until now you have not answered this proposal regarding Nguyen Van Thieu's resignation. In our view the resignation of Nguyen Van Thieu is an important and indispensable question in the settlement of the Vietnam problem in the present political situation. And regarding this question of Nguyen Van Thieu's resignation, we have made concessions already. It is now time, please, to give a direct answer to this question.

These are the political questions that need our discussion.

Regarding the military questions. Now about the U.S. troop withdrawal: You proposed last time a period of three months; we also proposed a period of 45 days. I think that this period, 45 days, is long enough for the total withdrawal of U.S. troops and other troops from out of South Vietnam. There are not many U.S. ground troops left now. The U.S. air and naval forces can be withdrawn very rapidly. The shorter the period of military troop withdrawals, the sooner the release of U.S. captives. I don't know why you want to prolong this period to three months; the U.S. proposal is not suitable.

Now, regarding the question of U.S. military aid to the Saigon Administration, we maintain our point of view that if the U.S. completely ends its involvement it cannot continue to give military aid to the Saigon Administration after the ceasefire. In your 10 points you still maintain this question. That shows that the U.S. still wants to carry on its involvement in South Vietnam contrary to your affirmation that you want to end it.

Last time, you proposed that we should consider the question of military aid, the question of replacement of military weapons, in order to find out a solution, an agreement. We cannot put on the same footing the question of the DRV giving assistance to the Provisional Revolutionary Government and the question of the U.S. giving aid to the Saigon Administration, because the character of these two aids are different. But we take into account your view, and in a desire to come to an agreement we agree to the following. We agree to write down in the document that after the ceasefire, after the enforcement of ceasefire, the two South Vietnamese parties will not accept any military aid, any reinforcement of troops, advisors, military and technical personnel, weapons, munitions and war materiel into South Vietnam. The two South Vietnamese parties will agree at intervals on the replacement of weapons in accordance with the principle of equality.

Now regarding the question of Vietnamese armed forces in South Vietnam, we maintain our views as have been mentioned in Point 10. The reason why we maintain this point we have expressed to you previously. The settlement of the question of Vietnamese armed forces in South Vietnam should be made in a spirit of equality and not in a spirit of "fairness" as you proposed. The Provisional Government of National Concord will stimulate, will supervise, the implementation of the agreement between the two South Vietnamese parties regarding the question of Vietnamese armed forces in South Vietnam, and not the International Commission as you propose.

Regarding the question of ceasefire, last time you said that President Nixon had accepted our stand regarding the question of ceasefire. So we have reached agreement on this question. But why you don't write this question in the document?

Regarding the word "ceasefire." Previously, you used the word "standstill ceasefire;" now you use the word "general ceasefire." What is the reason for that change? In our view, starting from the actual military situation in South Vietnam, we think that a standstill ceasefire is the most realistic way, and this is moreover a question you have agreed to.

Regarding the question of ceasefire in Laos and Cambodia, we have repeatedly expressed our views very clearly when we speak of the questions existing between the three Indochinese countries. I will not repeat my statement again.

Now, regarding the question of the U.S. shouldering the responsibility of healing the war wounds and the economic rehabilitation in the two zones of Vietnam. At the meeting of September 15 I have expressed my views in this connection and given you a document. Last summer you have also spoken about this question. So now please give a concrete answer to this question. I think the U.S. has to shoulder the responsibility in this connection.

As to the signed document, if it is a problem for the United States, if the U.S. finds it difficult, we should find a form of signed documents suitable to the U.S. The U.S. and the DRVN will settle the question of the U.S. contribution to the DRVN; as to the U.S. contribution to South Vietnam, it will be settled by the two South Vietnamese parties with the United States.

Regarding the question of the reunification of Vietnam, we have many points in common, but there remain some differences that need solution. The U.S. is unwilling to mention the principle that Vietnam is one, the Vietnamese people is one, the military demarcation line at the 17th parallel as established by the 1954 Geneva Agreement on Vietnam is only provisional and not a political or territorial boundary. We don't understand why the United States is unwilling to commit to paper the one question that had been decided upon by the 1954 Geneva Agreement on Vietnam. I have on many occasions expressed our views on this question. You yourself have said that you have no problem to reaffirm the provisions of the 1954 Geneva Agreement on Vietnam. Therefore, the U.S. should accept this principle.

Regarding the time for reunification, we think that later the two zones of North and South Vietnam will meet and discuss. We don't understand why you propose that the timing for the reunification will be decided upon "after a suitable interval following the signing of an overall agreement." How you propose that—I don't understand the reason why. I think that this formulation of yours is vague and not necessary.

Regarding the question of international control and supervision, there are three questions on which we still differ. First, the composition of the international commission. In the three countries of the international commission, we propose India. I think that India is a neutral country; therefore this proposal is reasonable. But in order to achieve a quick solution to this problem, we propose that the international commission will be composed of four countries.

Dr. Kissinger: Which?

Le Duc Tho: Each side will propose two countries, and these countries should be agreeable to the other side. So you propose two countries, we propose two countries, and we shall agree upon which country. We shall discuss.

Dr. Kissinger: I understand.

Le Duc Tho: Regarding the task of the international commission, we do not accept the U.S. proposal regarding the international control and supervision of the provision of Point 4 on the political problem of South Vietnam, and we do not accept the control and supervision of the international commission on Point 5 regarding the Vietnamese armed forces in South Vietnam. Because these are internal matters of South Vietnam. The international commission cannot interfere in the internal affairs of South Vietnam. But regarding the question of a general election in South Vietnam, we agree to the supervision of the international commission.

We also disagree with you on the international control and supervision of the questions existing between the three Indochinese countries. Because this does not come under the competence of the Vietnam international commission. Moreover, these questions concerning Laos and Cambodia, these questions should be decided by Laos and Cambodia, not only by us. And while carrying out its task, the international commission should respect the independence, the sovereignty of Vietnam and should not interfere in the internal affairs of Vietnam.

Now regarding the international guarantee. The U.S. proposed that there should be international guarantee for the ceasefire. I think it unnecessary because there is already the international commission for control and supervision which is in charge of that question. Previously you did not raise this question; I don't know why you raise it now.

Regarding the international guarantee for the national rights, the fundamental national rights and the neutrality of Laos and Cambodia, this is a question that comes under the competence of Laos and Cambodia. However, we think that after the settlement of the Lao and Cambodian question there may be an international conference for the guarantee for the whole of Indochina. This is our private stand.

Now, regarding the countries participating in the international guarantee and the form of the guarantee, previously the U.S. raised that these countries should be "agreed upon by the parties." Now you propose "agreed upon by the belligerent parties." We disagree to the use of the wording "belligerent parties." We think that our proposal is suitable. We have put forward a list of names of countries participating. We can agree on this at least. We can write down the principle, but I think that we can delay this question until after the signing of the overall agreement. It is up to you to decide.

Now the last question I would like to speak about is the questions existing between the three Indochinese countries. I have expounded our stand during the last four private meetings. To save time I will not repeat it again. However, I want to reaffirm once again that the peaceful settlement of the Vietnam problem will create favorable condi-

tions for the settlement of the Lao and Cambodian questions. But if you want that we settle the questions existing between the three Indochinese countries at the same time with a settlement of the Vietnam problem, then we should confer with Laos and Cambodia to settle this question. If we adopt this method, then the war will continue and be prolonged in the three Indochinese countries until we settle the problem. So you want it to go quickly, but in fact it is a slow advance.

Therefore, the quickest way is to settle the Vietnam problem before. The sooner the question of Vietnam is settled, it is assured that the Laos and Cambodian questions will be settled too. I have repeatedly told you that the question of war in the three Indochinese countries is closely related to each other. When we settle the Vietnam problem with you there is no reason that we should want the war to continue in the Indochinese countries. This is something very clear, very definite; there is no doubt in it, we can assure you so. We want to know your specific views on this question.

As I have told you from the very beginning, it is time now we should engage in straightforward and forthcoming talks and put forward our proposals to settle the problem. We have proposed a schedule for the negotiation, and a way to conduct negotiations so as to insure the implementation of the schedule. We should settle the questions of the settlement so as to quickly settle the problem. Therefore, we have made an effort to put forward constructive proposals to narrow the differences, so as to rapidly come to agreement. I think you should have also a constructive proposal to respond to our reasonable logical proposals. Only in this way can we achieve significant progress and rapidly achieve agreement and implement the schedule we have agreed upon, and finally to put an end to the war in Vietnam and restore peace in Vietnam, which is beneficial to both sides.

So today I have pointed out the points on which our views still differ. We can examine point by point, particularly the Point 4 regarding the political questions, and then we shall tackle the other points and to see other points of difference and to continue to discuss them tomorrow, so we can narrow our still great differences.

I have finished.

Kissinger: Thank you, Mr. Special Advisor. You have, in fact, proposed a procedure very similar to the one we were proposing to adopt, which is to say, to go through the document point by point to see which adjustments can be made and what progress can be achieved.

Now I had originally intended to hand you a new document. But I think it would be more efficient if I considered tonight some of your objections to see how many of them can be incorporated into the document, so we can make some real progress. So we don't have to do it twice. So what I propose to do, Mr. Special Advisor, if that is

agreeable to you, is to go through those points on which you have not commented and leave the ones on which you have commented for tomorrow morning. And to incorporate whatever we can into that. Is that agreeable with you?

Le Duc Tho: Agreed.

Kissinger: Now let me sum up again what I believe our tasks are, regardless of where we stand on the points.

First, we have to agree on the basic principles among each other. Second, we have to agree on the language, because even if we agree on principles it may be there are nuances of difference in the language. As you point out, for example, when you object to our word "fairness" and want the word "equality." I am just pointing that out as an example, not arguing it. Because if we don't agree on the language the other forums are going to waste a great deal of time.

Le Duc Tho: Quite right.

Kissinger: Thirdly, even when we have agreed on common principles and when we have agreed on language, it would be useful for this forum to agree on some specific measures of implementation, in order to speed up the work of the other forums. So when we speak, for example, of ceasefire and withdrawal and prisoners, we should have a precise schedule in mind and precise measures of what each side can and cannot do. Because only then would our agreements have any meaning.

Now let me go through the various points with this in mind, and in some I will give you the language. And we will give you a total document tomorrow morning. I will incorporate some of the Special Advisor's comments tonight, but some of them he didn't talk about so I can talk about it now.

At the last meeting, as at this meeting, the Special Advisor pointed out the absence of the reference to "unity" in our position. The trouble . . . our hesitation has been not that we are opposed to unity but the fact that, as you know, realistically there has been no unity. But we are prepared to say that we will place no obstacles in the way of the unity of Vietnam, and that we will respect such unity once it exists, once it has been brought about according to the provisions of this agreement.

Secondly, we are prepared to include a provision indicating that the United States will not interfere militarily or otherwise in the affairs of South Vietnam after the overall settlement is implemented. We will give you some precise language tomorrow morning, taking into account your comments today. But we accept those two principles.

With respect to Point 2, this was not discussed by the Special Advisor, but at our last discussion he indicated that in your point

when you referred to “technical personnel” you mean technical military personnel. We believe that this should be made clear and should be put into precise language.

Now on Point 3, the prisoners. There is one important difference between your plan and ours. There is one point about which I can leave no doubt in your mind. The President will under no circumstances sign an agreement that leaves any American prisoners anywhere in Indochina. There would be no support in America whatsoever for any agreement that made a distinction between American prisoners that are held in Vietnam and American prisoners that are held in Laos and Cambodia. Now the modalities by which this is achieved or the language that is used to express it is of course subject to negotiation. Whether your allies can be persuaded . . .

Le Duc Tho: So you mean by that that there is a difference between reality and language?

Kissinger: If we have assurances that all American prisoners held in Indochina will be returned as a result of the agreement, then we can negotiate about the language that expresses that reality. It is conceivable to me, for example—and I am speaking here without precise authority, but if we want to make rapid progress I have to say things sometimes and then check it in Washington—that your allies could turn over their prisoners to you and then you return all prisoners to us.

Le Duc Tho: Please go on speaking, and we shall discuss.

Kissinger: All right. Now we have prepared a paper for your consideration on how one might visualize the release of prisoners and withdrawal. I will hand you it.

Le Duc Tho: But at the same time you should also prepare written documents on the political questions and in concrete terms.

Kissinger: You will have it tomorrow. I just want to take into account the Special Advisor’s points. At the beginning of the meeting tomorrow I will give him an integrated document with all our views.

This is a subsidiary document. We provide in this document that every two weeks over the three months of our withdrawal period one-sixth of the U.S. and allied forces will be withdrawn and one-sixth of the prisoners will be released, with the sick and wounded prisoners released first and the others in the order in which they were captured.

Le Duc Tho: So the period for the troop withdrawal will remain three months?

Kissinger: Yes, for the time being. But if we settle every other issue I think we can find a compromise for this one. I think if we settle by November 1, there won’t be too many Americans in Vietnam by the new year.

Le Duc Tho: Now since it is now time to settle the problem, so you should put forward any question you have in mind and we shall do the same and we should settle it.

Kissinger: All right, this is the paper. [Hands over U.S. paper, "Withdrawal of Forces and Prisoner of War Releases," Tab A.]

I will return to Point 4, the political point. Let me finish.

I think on Point 5, Vietnamese armed forces, and our Point 7 on the Geneva Agreements, and Point 8 on Indochinese foreign policy, I think we are pretty close to agreement. I think when we give you concrete language tomorrow we can perhaps work out a concrete agreement. For example, I see that the Special Advisor makes a point of the difference between the word "fairness" and the word "equality" of Vietnamese armed forces. I shall consider that point tonight and respond tomorrow.

Now as for the Point 6, reunification, the Special Advisor expressed some concern about the words "after a suitable interval." I shall consider that point tonight and give him an answer first thing in the morning.

On the point of the ceasefire, the Special Advisor would be more comfortable if we expressed our agreement that a ceasefire will be signed only after the overall agreement is achieved, rather than the general language that we have today.

Le Duc Tho: Standstill ceasefire.

Kissinger: That's the second point, he's always impatient. He would have been a great capitalist; he banks everything he has immediately, draws interest on it and demands another deposit. [Laughter]

Le Duc Tho: But you are a better capitalist than I.

Kissinger: I am a very poor capitalist; one cannot live on governmental salaries in Washington. So we will consider that first point, that is, specifying the time of the ceasefire and give you an answer on it tomorrow.

If I understood the Special Advisor correctly, he wanted to have said, for example, that "when the overall agreement is signed, then the ceasefire will go into effect." He wanted us to be more precise.

Le Duc Tho: Because this is a point on which we have agreed upon and we don't see it written in your document.

[Mr. Lord confers with Dr. Kissinger.]

Kissinger: My colleagues always think that I don't understand things properly. We have constant revolution on my staff; they all want my job. You have been a bad influence on them.

Le Duc Tho: Sometimes you have correctly understood but you don't want to commit it down on paper.

Kissinger: I will consider it tonight, and no doubt when I reflect on the Special Advisor's eloquence I will be very heavily influenced by it.

Now on the word "general ceasefire," the phrase is the preference of our allies. Here is how we propose, here is my proposal for handling it. Let me work out a separate paper tonight, which can be a supplementary paper to this document, which makes it very clear that we will define "general ceasefire" as a standstill ceasefire.

Now, on Point 10, international supervision and guarantee, you are quite right. We differ as to the subjects that are to be internationally controlled. We believe, for example, that the ceasefire must be internationally controlled, and some of the other military provisions. And I do not see any possibility as yet of bridging that. I know you agree to international control and supervision but you don't want an international guarantee.

Le Duc Tho: Right.

Kissinger: Yes, well, we agree then on the international control; we are not agreed yet on the international guarantee. This remains an issue to be settled.

As for your proposal that there should be four members, our thinking had gone along different lines. We were going to propose Indonesia as a replacement for India. But we would like to consider your proposal of two members for each side, and let you know at our meeting on October 6th. It has possibilities. I don't know what our answer will be, but it's a constructive way of looking at it.

Now let me turn to the political issue.

Clearly, there are important differences remaining between us on how to describe the future political process in South Vietnam.

You say that a Provisional Government of National Concord of three equal proportions should be established at the outset through agreement. It would conduct foreign policy, run the elections, and give instructions to subordinate organs of the two sides. I am just summing up the differences. We believe that a Committee of National Reconciliation representing three forces should be organized to insure genuinely fair and free elections, so that the Vietnamese could choose their definitive government. The existing government would not run the elections, and the present leaders would step down in advance.

And therefore, we have answered the question of when President Thieu would resign.

Le Duc Tho: But you have not mentioned the specific time for the resignation.

Kissinger: But we have said this is subject to negotiation and we have indicated, it was offered, one month before the election. But we

have also indicated we were prepared to consider as part of an overall settlement that this might be extended to two months.

Le Duc Tho: But our stands are still far apart in this connection of timing.

Kissinger: I agree. I am just saying we have replied.

Le Duc Tho: You have not responded to us.

Kissinger: We have not agreed but we have replied.

You have said that the elections should be for a constituent assembly. We have said they should be for the Presidency, as you pointed out, and that the future government should represent all forces in proportion to the votes they receive in the election, and that all forces should be eligible for all branches of government.

We will consider whether the election can be broadened to go beyond the office of the Presidency.

You believe that local areas should be administered throughout by three-segment bodies. We believe that they should be administered by who controls them *de facto*.

We have extensively discussed what our real differences are. We frankly believe the objective consequence of your position is to guarantee a takeover by your side. Unless you understand this you cannot understand what our concerns are.

According to your proposal, the present government would change its personnel, its policy, and its negotiating delegation. All of this would be done without reciprocity, as an entrance price to negotiations, and while the war was still going on.

After a ceasefire, the South Vietnamese army would be cut off from outside military aid while your side's forces would continue to receive assistance.

Though I recognize you have answered this today. I made this point before you spoke. But even with respect to this there is this problem. If I understand your proposal there is the right of unlimited supply to North Vietnam.

Le Duc Tho: It is right, because North Vietnam is a sovereign country. It has the right to receive foreign aid from countries, like all other countries. If now the country is prohibited aid to North Vietnam, it is the wrong way to propose a problem and we cannot accept that. North Vietnam has recognized the provisions of the Geneva Agreement prohibiting the establishment of foreign military bases, not joining any military alliance and not accepting the protection of foreign countries.

Kissinger: No, but the problem is not that. It is a 20-year record that makes it clear that we have absolutely no way of knowing what moves from North Vietnam into South Vietnam. You moved over a

hundred tanks from North Vietnam through Cambodia to An Loc this year and we had no idea you could do that. [Laughter]

Le Duc Tho: If now we return to the discussion of this, it will take four years and the discussion will be endless.

Kissinger: I'm just explaining the practical problem. If there is unlimited supply into North Vietnam and North Vietnam can then infiltrate that supply into South Vietnam, then it is a very inequitable solution.

Le Duc Tho: As I told you lately, it is not conforming to political reality and to morality to put on the same footing the question of the DRV giving aid to the PRG and the question of the United States giving aid to the Saigon Administration. But in order to quicken the agreement, we have accepted that the United States should refrain from giving military aid to the Saigon Administration and North Vietnam will refrain from giving military aid to the PRG. This is a great concession of ours, and we agree to write this provision down in the written document.

Now, let me ask you one question. Now the Committee of National Reconciliation you propose has only the task regarding the elections only. But last time you said that the task of this committee can be discussed. So what is in your mind about the other tasks of this Committee of National Reconciliation? And I have put a number of questions regarding your proposal of a Committee of National Reconciliation? Please answer my questions.

Kissinger: I understand. First I want to make a realistic point to the Special Advisor, because if we are going to settle rapidly we must avoid as much theory as possible and become very concrete. Now we both have allies. That is a fact. You may regret it, and we may regret some of your allies, but that is a fact we now have to deal with. We have told you we will not overthrow through our actions what is the existing administration in Saigon. But we are prepared to start a process in which, as a result of local forces, changes can occur.

Now these negotiations between us give us a practical problem. If we make too many sweeping proposals here, there is no possibility of getting any agreement in Saigon and therefore no possibility of getting a rapid agreement. I want to explain the situation; I am not arguing with you. But if your colleagues in Hanoi have to make decisions they should understand our position. I will answer your questions. I agree with you that we should not consider the election in making a settlement. But the only danger we face in the election is not from our opposition; the only danger we face in the election is if we are accused of betraying our allies. Dellinger is no problem to us; George Wallace is. I just want to explain the situation; I am not arguing it.

Therefore, what I am willing to do is to make a few general formulations with you. And then I am willing to send my deputy to Saigon as soon as I return, Thursday or Friday night. Now you may say that the Committee of National Reconciliation as we have offered it is nothing, and that it's a charade. I can tell you it was four weeks of the most intense efforts, and even then we had to do certain things which are not strictly in conformity with what one usually does with allies.

Now let me answer your question about the Committee. I believe it is possible to frame some language in a general way that would give the Committee certain functions in addition to the elections, such as helping to implement the agreement. And I listened with interest to what the Special Advisor had to say about this view and the Provisional Government's role in that connection, helping to resolve differences among the parties. But if we want to be practical it has to be spelled out in a somewhat general way, and the full details have to be left to the implementation.

Let me say something in this connection which I sincerely believe your colleagues have never fully understood in Hanoi—if you will forgive me. Your colleagues have always concentrated on the juridical basis of the agreement, and you have tried to avoid escape clauses which would permit us to undo what we have agreed upon. And I understand this, because you have had your experiences in 1954 and in 1962. But what I have said to you often before I must say again. John Foster Dulles went into Indochina not because the agreement was badly drawn in Geneva. He would have gone into Indochina no matter what the agreement said, because this was the orientation of his policy. Because he was carrying out a policy of containment. In 1962 the existing administration would have involved itself in Indochina because its whole theory was, first, that you were carrying out the views of Khrushchev on global guerrilla war, and then the theories of Lin Piao on protracted war. [Laughter] That is what Rostow and his colleagues thought in 1962, and that's why they went in, and no matter what the Geneva Agreement had said this would have happened.

We have no such ideas. We know that you are acting for your own purposes and that you are almost as difficult for your friends as you are for your enemies.

Once the war ends in Vietnam we have no intention of involving ourselves in this area. In a second administration for the President we want to continue the policies of conciliation that we have started. And my expectation would be that at the end of the second term, far from being in a position of hostility to Hanoi, we would be in a position of an increasingly friendly relationship.

Take the case of the very recent past, of Bangladesh. We opposed the Indian invasion of what was then East Pakistan, and we used some

very strong language in the United Nations. And we even moved our fleet into the Indian Ocean. And yet today, less than a year later, we are the largest single contributor of aid to Bangladesh. We gave more aid to Bangladesh than the whole rest of the world combined including the Soviet Union and including India. And in November we will send an economic mission to India to discuss how we can coordinate our aid in Bangladesh. We do this because now that the conflict is over we are interested in a Bangladesh that is independent and that is developing itself, and we have no national interest there. And that will be our attitude toward Vietnam after the war.

All we want, in terms of our conception, is that we want Vietnam to be independent and prosperous and we do not want it to be the tool of other major countries. We don't want it to be our tool. And therefore, as I have told you before, it is a historical absurdity that we are fighting each other, because we are not the long-term threat to your independence.

But let us leave that philosophy aside. I say it, if I may say so, as much for your colleagues as for yourself.

But it applies to the problem of reparation. If I wanted to protract these negotiations—in fact if I wanted to end them—I could let you go on making these proposals on reparations. The total American foreign aid bill for this year is \$1.8 billion, for all the countries of the world together. You are asking for all of that for Vietnam. It doesn't matter what we agree to; Congress will never vote it. I state it as a fact, and you ask any of your American friends whether I am not telling you the truth. If we could end the war with money it would be the easiest way to do it. Secondly, it isn't possible to write a specific sum or indemnity into the agreement. What we can do is to put a phrase into the agreement that we recognize the need for reconstruction of Indochina, or something like this, and to give you a private assurance that we will make a major effort.

Now there's one other thing that I have said to you once privately, but I will say again. You want two contradictory things: You want us to spend a lot of money for North Vietnam, but you want us to spend very little, in fact nothing, for South Vietnam. If you are worried about the American economic and military investment in South Vietnam, it is my judgment that under conditions of peace the amount of money Congress would be willing to appropriate for South Vietnam would be much less than the amount of money that is now going into South Vietnam.

But I will do another formulation tonight of the functions of this Committee and submit it to you. I mean additional functions for the Committee.

Now one other point, about ceasefire. I can understand your argument that the whole solution for Laos and Cambodia cannot also be

included in this negotiation. The entire political solution. I understand your argument. However, on the issue of a ceasefire, we cannot imagine how it is possible to end the war in Vietnam but let the war continue in Laos and Cambodia. So we think there should be at least a ceasefire, that the ceasefire should be extended into Laos and Cambodia. And since most of the Lao and Cambodian troops that fight against the governments seem to speak Vietnamese it should not be too difficult to transmit instructions to them. [Laughter]

Xuan Thuy: Just like Americans speaking English.

Kissinger: That's right. We will give instructions to all troops in Indochina in the languages of this conference and see what happens. [Laughter]

These are my answers to the Special Advisor's questions, and I would then propose that tomorrow I will hand him a document which is redrafted on the basis of his discussion today and my observations.

But I am sure the Special Advisor has another paper here. He never fires all his cannons at once. [Laughter] What I want to know is has he got any more tanks in An Loc?

Le Duc Tho: There are still tanks and ammunition, but the tanks and the ammunition in the negotiation have their limits, and after a certain moment we can't give any more tanks and ammunition.

Kissinger: That's true for both of us.

Le Duc Tho: Let me express a few opinions. Then we shall break and meet again tomorrow.

Mr. Special Advisor recalled the events of 1954 in Vietnam and the events of 1962 in Laos. Regarding these events our respective views greatly differ. We don't speak at length on these questions, to save time, but I would like to remark that these events did not stem from the language of the agreement, whether they were concrete or inconcrete.

Kissinger: I agree.

Le Duc Tho: But when we sign the agreement, the formulation of the provisions should be concrete and should help the implementation of the agreements and have a certain role in the implementation of the agreements. Otherwise, there is no use to sign agreements. Because a signed agreement should reflect not only the principles but also the concrete provisions for the implementation by the parties, and these provisions are also to be implemented. So it is these provisions should be concrete and explicit.

Today I have pointed out many questions on which we still disagree. Mr. Special Advisor has just covered a number of these differences. So I would invite you to carefully consider my statement today and the questions I have put to you so that you may give clear answers tomorrow. And I shall do the same regarding your statement and I will answer you tomorrow.

Kissinger: Good.

Le Duc Tho: Because for the question of the Committee of National Reconciliation alone there still remain many points to be discussed. Therefore, please carefully study my statements on the political questions on Vietnam. Not only the task of the body you proposed but also the power, the authority of the body. And in my statement I have referred to this point regarding the organization of the Provisional Government of National Concord.

I can say that today we have had discussions, forthcoming discussions, but not yet at the level we wish to see. But at least it is the first step in the forthcoming and straightforward discussions we are holding here.

Kissinger: I agree.

Le Duc Tho: But I have not answered fully all your ideas. But it is the initial step on the way that we both put forward our proposals.

Kissinger: You will get the other document.

Le Duc Tho: Please, the document you have not given me today, please give me now and I shall have a document to give you too. Tonight we shall consider each other's documents and tomorrow we shall explain.

Kissinger: I would like to redo the material in the light of what the Special Advisor said today and give it to you first thing in the morning.

Le Duc Tho: All right, but if you have a document, even if you have not redone it, give it to me and I shall have a document to give you.

Kissinger: The Special Advisor raised so many questions that I would like to answer, about the timing of ceasefire, the functions of the Committee of National Reconciliation, with respect to the elections other than for the Presidency, with respect to the words "fair" and "equal," it would just be confusing.

I can give you some other documents, with respect to the functions of the Central Commission and its membership, which I will be glad to give you. But the one document I was going to give you . . . what I can give you is a document without Point 4, because I wanted to wait for our discussions, and which will have some of the weaknesses in the other points which the Special Advisor pointed out. It does have more detail on the first point, to meet his concern on unification, on unity. So if the Special Advisor would . . . if this will help him I will be glad to give it to him. [Hands over "U.S. Proposal" at Tab B.]

Le Duc Tho: So your card on Point 4 is still closed.

Kissinger: I would rather not give you this document because it will just lead to confusion. I would much rather give you a new document in the morning. There is no point to proceed from this.

Le Duc Tho: Let us see. It is still incomplete. You wanted to amend it?

Kissinger: I wanted to amend it. [Tho hands it back.] And really, I think you will be—you won't be satisfied with the document tomorrow morning either; I don't want to raise your expectations—but I can go over with you tomorrow morning first thing all the new elements in our proposal.

Le Duc Tho: Now let me give you some ideas on the new document I shall give you. I would like to give you a new document of ours. And you should give it very serious consideration. We can say that it is our final document. I tell you that in a forthcoming and frank way. There are new elements in comparison with previous proposals, so that we both can come to an agreement. We have made new proposals and we have paid attention to the language of it. And so this shows our serious intent and good will—giving you a document and not asking a document in return.

Kissinger: I agree with you.

Le Duc Tho: So please consider it and tomorrow you will give us your answer. [Hands over DRV proposal at Tab C.]

I draw your attention to four points in this document.

First, regarding the political questions, we still feel it is necessary to form a three-segment Provisional Government of National Concord in South Vietnam, with the task regarding the implementation of the military and political provisions of the signed agreements. This is a new and final proposal of ours. This new proposal is very logical and flexible. The essence of this new document is the maintenance of the two existing administrations with their name, their functions regarding internal affairs and their existing foreign relations, provided that this is not at variance with the provisions of the signed agreements.

As to the Provisional Government of National Concord, it is a common body; it is aimed at implementing the pressing and indispensable task of implementing the military and political provisions of the signed agreements. Without such a body with such authority and power, without such an authoritative body, in a situation where there are two administrations, two armies, and two different regions, then it would be impossible to prevent the resumption of such a conflict. If with your proposal of the Committee for National Reconciliation without any authority at all, then the implementation of the signed agreement is insured, and with no authority to prevent resumption of the conflict the situation will remain in chaos. It would be difficult to prevent the resumption of hostilities and it would be difficult to preserve lasting peace. This is our new proposal, a very important one, aimed at achieving a rapid agreement between the two sides. You should positively respond to our proposal.

The second point is regarding the U.S. troop withdrawal period. For the period proposed by you, we feel it is too long. Therefore, we maintain our stand, that is, a period of 45 days.

Regarding the damages, the reparations, tomorrow I shall speak further. But I think that in the signed document there should be a sentence that the U.S. should shoulder the responsibility of healing the war wounds in North and South Vietnam. As to the details, we shall find out a suitable formulation—the language we shall discuss later.

The fourth point regarding the questions existing between the Indochinese countries, we maintain our stand in this connection as I have told you.

Regarding the question of prisoners of war. As I told you last time, that the American prisoners in Cambodia, there are none. In Laos, there are very few. But if you satisfactorily solve the political question and the question of reparations then we can find an understanding. But it is a question under the competence of Laos and Cambodia, and we have to exchange views with them. And moreover, this cannot be written down in a signed document.

As to other questions you raised in connection with Indochina, it is unsolvable, and we still maintain our stand. But considering it as an understanding between us, I can tell you this: All foreign troops and foreign military personnel must put an end to all their activities in Laos and Cambodia and should be withdrawn from Laos and Cambodia. They should not be reintroduced into these countries. It is prohibited to reintroduce troops and armaments into Laos and Cambodia. I can tell you this now. But if written in an agreement we cannot agree to that. Because it is here matters concerning the sovereignty of Laos and Cambodia. Moreover this question does not come under the scope of this conference.

But we feel that you are not realistic. Because if we now end the war in Vietnam, how can we still intend to continue the war in Laos and Cambodia? There is no reason that we should like this.

Kissinger: Do you consider North Vietnam a foreign country in this definition? In Laos and Cambodia?

Le Duc Tho: [angrily] In Laos and Cambodia when we say that foreign troops, foreign countries, then troops other than Lao and Cambodian should get out of these countries.

Kissinger: I understand.

Le Duc Tho: The Geneva Agreements of 1954 and 1962 provided for that and they have been signed. But you started the operations in Laos so we and our friends joined hands to fight against you. But it belongs to history; if we recall that it will be endless.

Let me say a few words. This move constitutes a new show of good will from our side, our desire to come to peace. Please give it

careful consideration. And I would like to repeat that this is final and I mean what I say. In order to rapidly settle the Vietnam problem you should give a positive response.

Kissinger: First of all, [illegible] you should look at this tonight. [Hands [illegible] "U.S. [illegible].]

Le Duc Tho: But you will amend it greatly?

Kissinger: I will amend it. You will see tomorrow that it will be amended.

Secondly, as I understand it, the new element here is that the existing administrations [illegible] South Vietnam can continue their foreign relations.

Le Duc Tho: The foreign policy applied by the two existing administrations in South Vietnam should be the foreign policy mentioned in the agreement we shall sign, and this is a policy of peace, independence, and neutrality.

Kissinger: I am just trying to understand what the new thing in this plan is.

Le Duc Tho: I have told you and you did not listen to me?

Kissinger: No, I have listened and I will study the notes very carefully.

Le Duc Tho: What is new here is that each side's relations with foreign countries will be maintained. This is the greatest . . .

Kissinger: That's right, I understand.

Le Duc Tho: And the task of the Provisional Government of National Concord, the three-segment we propose here, will cover only the scope of the implementation of the political and military provisions of the signed agreements.

Kissinger: I understand.

Le Duc Tho: Externally, this government will supervise the two existing governments in their implementation of the foreign policy of peace, neutrality and independence, as agreed in the documents.

Kissinger: That's what I thought. I understand.

Le Duc Tho: This is a great point. It is different from previous proposals. Regarding Laos and Cambodia it is different.

Kissinger: No, I understand.

Le Duc Tho: So we have shown our good will and flexibility in this point. There should be response from your side on this point by giving suitable proposal on these points. Reciprocity.

So we have finished our day's work. But, in reviewing it, we are more concrete than you are. You are still in space. Tomorrow you should catch up.

Kissinger: I think we have had a constructive meeting today. We have laid out a definite program. I think you will see some movement already in this proposal [at Tab B]. You will see more tomorrow. And while we will still be apart tomorrow, we have laid out the route on which we will travel that will bring us together. Thank you Mr. Special Advisor, Mr. Minister.

[The group got up from the table and began farewell handshakes.]

Le Duc Tho: We have been positive. You have too. But not at the same level as we. [Laughter]

Kissinger: I agree that you have made an effort. It shows you are serious about ending the war. We are serious too. But it is a very difficult problem.

[Dr. Kissinger and his party thereupon departed.]

20. Memorandum of Conversation¹

Paris, September 27, 1972, 10:03 a.m.–3:38 p.m.

PARTICIPANTS

Le Duc Tho, Special Adviser to the DRV Delegation to the Paris Peace Talks
 Xuan Thuy, Minister, Chief DRV Delegate to the Paris Peace Talks
 Phan Hien, Adviser to the DRV Delegation
 Nguyen Dinh Phuong, Interpreter
 Mr. Thai, Notetaker
 Second Notetaker

Henry A. Kissinger, Assistant to the President for National Security Affairs
 Winston Lord, NSC Staff
 John D. Negroponte, NSC Staff
 David A. Engel, NSC Staff—Interpreter
 Peter W. Rodman, NSC Staff
 Irene G. Derus, Notetaker

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 856, For the President's Files (Winston Lord)—China Trip/Vietnam Negotiations, Sensitive Camp David, Vol. XVIII. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at 108 Avenue du Général Leclerc in Gif-sur-Yvette. All brackets are in the original. The tabs are attached but not printed.

On September 28, Kissinger reported to the President:

"I met for six hours September 26 and five and a half hours September 27 in our first two-day session ever with Le Duc Tho and Xuan Thuy. The sessions both narrowed our differences in some areas, and demonstrated how far we have to go in others. The North Vietnamese tabled a new plan which, while still unacceptable, contains certain political provisions that might signal a possible opening. They professed continued eagerness for a rapid settlement, and, after seeing our repackaged ten point plan, complained we were moving too slowly in our positions. We agreed to meet again for three successive days starting October 7, which we may want to slip a day."

Regarding that upcoming meeting, Kissinger continued: "Tho said it was clear that our next three-day meeting would be 'decisive.' He emphasized the need to concentrate on the central questions first, including the political ones. When the big problems were solved, the others would come easily."

Kissinger recognized that obtaining Thieu's approval of a settlement was necessary. To that end, he wrote in his report to the President that "our immediate task is to convince Thieu of the importance of public solidarity with us as we continue the negotiating process through at least one more round. Our proposals, while generous, substantively maintain the integrity of the GVN and its governmental system; the only major political departure since January is to specify that the electoral commission (now called the Committee of National Reconciliation) is composed of three forces. However, as you know, Thieu maintains he is anxious about the possible psychological impact in his country, and he is not on board with that section of our political point.

"Thus we will want General Haig [in his upcoming trip to Saigon] to reemphasize to Thieu our continuing commitment to the GVN; point out the major efforts we have made in his behalf the last four years; explain our strategy; stress that he must show understanding of our problems; and secure his agreement to a new proposal which maintains a serious posture." (*Foreign Relations*, 1969–1976, vol. VIII, Vietnam, January–October 1972, Document 267)

Le Duc Tho: Before we begin our talks I would like to raise one question. I have just received the information that at present the Nguyen Van Thieu administration is killing our military and political cadres in jail. I would like to request you to use your influence so that the Nguyen Van Thieu administration stop these cruel actions. Because these actions are detrimental to your side later. I would like to raise this question.

Dr. Kissinger: Are you finished? Mr. Special Adviser, I am not familiar with these charges. If prisoners are being killed, it is totally against United States policy. I will look into it as soon as I return to Washington. If it is taking place, which I do not know, we will use all our influence to stop it. You and we are now making a serious effort to end the war, and we will oppose anything that is against the spirit of what we are trying to do. But I must look into it.

Le Duc Tho: From our experience we know that when we are approaching a settlement our enemies try always to kill our cadres and leaders. Therefore I would like to draw your attention on this question.

Yesterday before we left I handed to you a document. This is a serious and final proposal of ours, for your consideration before we resume discussion today, so that you can combine our document with your own views. So today please let us know your views.

Dr. Kissinger: Before we do this, could I spend a few minutes simply on a procedural point? It won't take long. So that we can make a schedule. There is no need for my assistants outside to wait here. We will now work straight through?

Le Duc Tho: Yes.

Dr. Kissinger: So we will let them go and we will ask them to come back about 2:00. They don't have to wait here. Is that all right?

Le Duc Tho: Right.

Dr. Kissinger: As we are approaching a settlement we are in the position where on the battlefield we are enemies but in this room we are partners. We have the same objective. So we must be candid with each other, discuss our obstacles frankly, and see what we can do to remove them. So if we fail it won't be for lack of effort.

Now let me tell you what our schedule is. I will send my Deputy, General Haig, to Saigon. He will leave Friday night, Washington time. He will stay in Saigon Sunday, Monday and Tuesday. He will come back to Washington Wednesday morning. Then I would like . . . and I will send Mr. Negroponte with him. I will then need a day and a half to discuss his results, the results he brings back, with the President and with other associates. I will then leave Washington Friday morning to come back here. And I propose therefore that we meet here the 7th, 8th, and 9th. The reason I give you so much detail is so you understand this is not a delay but it is necessary in order to be able to work quickly.

And I ask the Special Adviser to remember what I said to him yesterday: that the election now has a funny impact, in the sense that public quarrels with our allies are worse than public quarrels with you. So it is in our common interest that we proceed this way. I am being very frank with you. Because now that I am convinced that we both want a settlement, we have to work in a cooperative spirit. That is certainly our attitude.

Secondly, I have thought about the other procedural point over night. It has to do with what we will do when we have agreed on our ten points, or whatever number of points we finally have. My view is, as I told you yesterday, that at some point after those are elaborated we must activate both Avenue Kleber and the second forum, the one between the GVN and the PRG. But for those two forums to work efficiently and quickly, there must be some public commitment of the direction in which they should go. And therefore I would like to propose for your consideration that if we should agree on ten points, we should announce them, because this will bring some pressure on both of our allies to move fast and it will make it clear what we will support and what we will not support.

If we agree on the ten points. And we can do it either from here, or if I should take that trip to Hanoi, we could do it from Hanoi or right after I have been in Hanoi. If you are concerned that this will help us during the election, we can delay and announce it after the election. To us the main concern now is not the election but to finish the negotiations. This is for you to decide. We are prepared to do it before, but it is also possible to do it right after, and then work very quickly in the other forums right after the election. But it is for you to decide. We are prepared to work on the schedule we established yesterday. It is just, if you are worried about the election, we could agree on everything in the ten points here or in Hanoi and then announce I was there but not publish anything until afterwards. It is up to you. We will work on either schedule. But of course we have to agree first.

I don't know whether the Special Adviser has any comments on this.

Le Duc Tho: Now let me speak about your proposal. First about the schedule. We agree with your proposal to meet again here on October 7th, 8th and 9th.

Secondly, as I told you yesterday, the Presidential election in the United States is your affair, your internal affair. As to these negotiations, they are aimed at finding a solution, a rapid solution acceptable to both sides. So this is our objective then. If so is your aim, we should find out a solution that is acceptable to the two sides. You are haunted by the idea about the elections. You often refer to it. Yesterday I told you we should let this question aside. Yesterday I told you, and we

agreed, that the time now is ripe for a solution, and we should find out rapidly a solution to end the war.

As to the schedule, we agreed to it yesterday.

Now the only thing left is after we reach agreement on the ten points, the announcement of this document either will be announced here or in Hanoi. As to the announcement of this document, I told you yesterday that I will give you the answer when we meet again on October 7th. Because it is related to your trip to Hanoi. Because if you go to Hanoi, then it may be announced in Hanoi. If you don't go to Hanoi, then it may be announced here. Otherwise we will consider how it will be announced. So at our next meeting I will raise this question.

Dr. Kissinger: Fine.

Le Duc Tho: What is important now is that we should come to an agreement on the ten points. This is the big thing. As to the question of the announcements—whether it will be announced, where it will be announced, when it will be announced—it is not a problem.

Dr. Kissinger: The only point is—then I will drop the subject—if I should go to Hanoi, if the announcement is made it should be made some days later, simultaneously in Washington and Hanoi, after I return from the trip, not while I am in Hanoi. But I am sure we can work that out.

Le Duc Tho: Regarding your trip to Hanoi I have clearly expressed it last time.

Dr. Kissinger: We will discuss it next time.

Le Duc Tho: But I would like to add something to this question. I have raised yesterday a number of points regarding your trip to Hanoi. One of these points is that we should see how much we will agree to with each other, and on the next three successive days of meeting we shall see what points are left for your trip to Hanoi to agree on.

Dr. Kissinger: I agree.

Le Duc Tho: Secondly, on your trip to Hanoi there is another point that we raise as a difficulty, and that is the bombardment of North Vietnam and the mining of DRV harbors and ports. Once we have come to agreement and once you visit Hanoi, and the mining and bombardment continues, then it is not advantageous. This is one thing I would like to draw to your attention.

Thirdly, we shall answer you fully—a full answer—when we meet next time regarding your trip to Hanoi, and we will not answer you in a message as you proposed, because we can't fully express our views in a message. Because we should discuss the agenda of work, the program of work, the plan of your trip, how you will come, how the announcement will be made—a series of questions to be discussed. So as to answer you in a message, we can't.

Dr. Kissinger: No, I think that is fine. I didn't express myself properly. I wanted some indication on whether you wanted a signed document, not about the trip to Hanoi. Because if we don't know ahead of time it will make our work a little difficult, but it is not essential.

Le Duc Tho: If we reach agreement on all the ten points, then I think between the DRV and the US there should be signature of documents.

Dr. Kissinger: That is what I think, too.

Le Duc Tho: It is a matter of course. But how it will be signed, how we shall proceed we shall discuss. And I think you should also prepare your ideas about the agenda of your work if you go to Hanoi, what is your plan, how the document will be signed. Now I don't request you to answer me immediately, but next time when we meet again we will exchange views.

Dr. Kissinger: I agree, I agree completely. And we will have a specific proposal for you next time. Also on the point . . .

Le Duc Tho: If by the end of this session you can give us answers on this question, it should be all the better, because we shall express our views to you next time.

Dr. Kissinger: Well, let me think. I can't give you a firm answer until next time but maybe I can give you a preliminary answer.

Le Duc Tho: And on the basis of the views you will express by the end of this session then we shall discuss with you. It would be more convenient.

Dr. Kissinger: I agree. On the signature of the final document I have had a preliminary exchange but of course you understand the President is traveling right now. But we will consider very seriously the signature by the Foreign Ministers. I will let you know definitely at the next meeting and maybe even through a message before the next meeting.

One other point. The Special Adviser made a point about our election. I am not obsessed by the election, because no one has ever been 34 points ahead in the public opinion polls and lost. In fact, no one has ever been 34 points ahead. So there is no precedent for it. But I saw in the *Herald Tribune* today that one of the spokesmen for the PRG said that you don't want to help us in the election and therefore we didn't make any statement. So, I make my comment in reference to the observation of your side, not to any reference on our part. [Laughter]

Le Duc Tho: Let us stop the discussion on the elections.

Dr. Kissinger: I agree.

Le Duc Tho: We are seriously speaking, we both now are engaging, really engaging, in settling the problem. We should concentrate our efforts in finding a settlement.

Dr. Kissinger: I agree. One final point with respect to the first issue the Special Adviser raised with me, about the killing of cadres. I have assured him that we will use our best efforts to insure that this will not be done. But we have captured some instructions that were given to some of your people, which say that [reading from TDCS 314/06832–72], “all hamlet tyrants, particularly hamlet chiefs, pacification cadres, people’s self-defense forces team leaders, phung-hoang personnel”—I don’t know what they are—“and policemen should be eliminated.”

Le Duc Tho: I am not aware of such instructions. But I would like to tell you here that the war is now going on; what happens on the battlefield we can’t control. But here I would like to raise the question about military and civilian prisoners in jail, and they should not be terrorized or killed.

Dr. Kissinger: I have assured the Special Adviser that we will use all our influence to prevent the killing of prisoners, and I think he should use all his influence that the same happens on your side. We don’t make it conditional; we will use our influence anyway.

Le Duc Tho: But what I can assure you is that we have never done these actions. In the resistance war against the French we captured tens of thousands of French prisoners and other national prisoners, and the prisoners of war at that time know our treatment and the whole world knows our treatment [of them].

Xuan Thuy: I would like to draw your attention that a few months ago the Saigon Administration showed a list of names. Allegedly they were names of people that would be killed by the Viet Cong, by the PRG, after the restoration of peace. But afterward the people in Saigon whose name appeared on the list raised their voices to protest, to say that this is an initiative of the Saigon Administration, not the Viet Cong program. But I think these questions are the ones on which we draw each other’s attentions, but we should concentrate our efforts on the main problems.

Dr. Kissinger: Exactly. I know what the Special Adviser has said, and we will pay serious attention to it. Now shall we begin our work?

Le Duc Tho: You should pay your debt now! [Laughter]

Dr. Kissinger: The Special Adviser realizes of course that over night, separated from Washington, we cannot do the thorough job we will do by the time we meet again. I have one question.

Le Duc Tho: But in any case you should have some views, some prospective views.

Dr. Kissinger: Oh yes, I have them and I will present them. Now before we came here, and I did not have a chance to present this yesterday, we redrafted some of the principles you handed us last time with a view to making them compatible. Now in my view it is useful

to discuss those only if we have some intention of signing them or agreeing to them, but if not we can put them aside. But I want to tell the Special Adviser that we are prepared to discuss these. They respond to your views of September 15. Now would he like me to discuss those, or go directly to the ten points? I don't want him to think we are neglecting any proposals he is making.

Le Duc Tho: In our view our ten points include both the principles and the concrete provisions. So I would propose to go directly to the ten points.

Dr. Kissinger: All right, I agree. And we have incorporated in our proposal the principles also. So let me now turn to the discussion of the ten points. Let me sum up again what I believe to be the problem before us:

- First, to agree in substance.
- Second, to find agreed language.
- Third, to develop agreed implementation on issues in which agreed language is not sufficient to guide the work of the other groups.

Now our views seem compatible on many of the central features of the settlement:

- Respect for the Geneva Accords and the future US role in Vietnam.
- United States and allied withdrawals, with some details to be worked out, especially as to timing.
- The release of prisoners.
- US neutrality toward the political process in South Vietnam and non-interference in the political affairs of South Vietnam.
- The process of reunification of North and South Vietnam.
- The settlement of Indochinese problems by the Indochinese people themselves.
- The future orientation of the countries of Indochina, that is to say, observation of the military provisions of the 1954 and 1962 Geneva Agreements, to be summed up in the world neutrality.
- A ceasefire at the time of the signing of the overall agreement, with the scope and the details to be worked out.
- The principles of international supervision.
- The principles of international guarantee.

Nevertheless we still differ on many aspects. Now let me go through the proposal we are making to you, which is partly based on what I gave you last night, with a few changes in the part I gave you last night, plus a new point 4.

First, with respect to Point 1, we have attempted to deal with the fact that the Special Adviser pointed out the absence of the word "unity" in our introductory paragraph. And also we have expressed our view in two places with respect to unity: One, with respect to paragraph 1, in which we pointed out that we will place no obstacle

in the way of reunification and that we will respect the unity once it is achieved. Secondly, last night I added a sentence to paragraph 7, in the introduction of paragraph 7—I will hand it to you afterwards but I want to read it to you: “The United States acknowledges the provisions of the Final Declaration of the Geneva Conference of 1954 in regard to respect for the sovereignty, the independence, the unity and the territorial integrity of the Indochinese states.”

[Mr. Phuong asks, “Recognize”? Mr. Engel says, “Acknowledges,” and rereads the clause in Vietnamese.]

Dr. Kissinger: It is at the introduction of Point 7.

Secondly, in paragraph 1, Point 1, where we say “Once an overall agreement has been reached”—in the version you had yesterday—“the US has no interest to continue its military involvement,” we have strengthened this to say “The US does not intend to continue its military involvement.” So we have in the first paragraph, point (b) in the document we handed you yesterday, “The US has no interest,” and we have changed this to say “does not intend.” The other points in Point 1 remain the same.

Point 2 remains the same. You notice that we picked up your language. You pointed out to us that when you speak of technical personnel you mean technical military personnel.

On withdrawals we have given you a paper on prisoners and withdrawals that indicates the rate at which they are to be withdrawn and which has other provisions such as access to prisoners and detention camps, and facilities for verification of missing in action, and other matters. As I pointed out to you yesterday, we have to insist on the return of all prisoners in Indochina, but some of your assurances yesterday, Mr. Special Adviser, indicated that this may turn out to be a soluble problem.

I will return to Point 4 in a moment.

Point 5 and Point 8, Vietnamese armed forces and Indochina foreign policy: We accept your proposal that the word “equality” be substituted for the word “fairness.” As for the rest, I think our draft is very close. Our Point 8 on the foreign policy of the Indochinese countries I think is very close to some of the material in your Point 4. I am operating from our points, not your points. And it is therefore substantially agreed.

Point 6, on reunification. The Special Adviser on September 15 and again yesterday objected to the phrase “After a suitable interval these discussions should start, or reunification should be achieved.” We are therefore dropping that phrase.

The Special Adviser has achieved so many successes he will get overconfident.

Le Duc Tho: It is small success.

Dr. Kissinger: But an accumulation of quantitative changes produces a qualitative change. At least that is what I learned when I studied Lenin.

Le Duc Tho: But the accumulated quantities are so small, therefore the advance is very slow to bring about the change in quality.

Dr. Kissinger: The Special Adviser is a very hard taskmaster. [Laughter] When he presents his objections it sounds as if it is a cosmic event; when we accept his suggestions it sounds as if it has no significance!

Le Duc Tho: But you do not pay attention to our concern regarding the great point, the major point. You pay attention only to our concern on small points. And on the contrary, throughout our proposal we have paid attention to your concern on major points. It is not fair reciprocity.

Dr. Kissinger: Well, I just don't think that is true. We have paid extraordinary attention to your major point. What we are attempting to do is to settle all the issues that it is possible to settle. And I think if one put side by side the changes in position that have occurred throughout the negotiations, it would be impossible to support the statement the Special Adviser has just made.

Le Duc Tho: I think that since we have engaged in the process of settlement we should have serious talks and respond to the major basic concern of the other side, and afterwards we shall go to the other concerns and the details.

Dr. Kissinger: Well, I will finish going through these points. If that is true then there is no sense even discussing the other points until we agree on Point 4. We are extending ourselves . . .

Le Duc Tho: We can discuss on the other points but the Point 4 is the main point, as I have told you.

Xuan Thuy: I propose the Special Adviser to finish your ideas on all other points and then we shall go on to Point 4.

Dr. Kissinger: That is what I intended to do. But we have extended ourselves to the maximum and made enormous efforts in Washington and Saigon, and I cannot accept the proposition that after all these efforts it doesn't amount to anything. Because if we cannot agree on the points that we are near agreement to, we will never agree on Point 4.

Xuan Thuy: Now this is a discussion not relating to Point 4. We have not made our comment on Point 4. Since you have come to your position on Point 8, please go on, then return to Point 4.

Dr. Kissinger: Point 7; as I told you before, we have added a phrase to the effect that "the United States acknowledges the provisions of the Final Declaration of the Geneva Conference of 1954 in regard to respect for the sovereignty, the independence, the unity and the territorial integrity of the Indochinese states."

Point 9, with respect to ceasefire: The Special Adviser pointed out to us yesterday that our formulation was vague with respect to the timing of the ceasefire, and he expressed some doubt about the meaning of the phrase “general ceasefire.” We are therefore adding to Point 8 the phrase “upon the signing of the overall agreement.” We will hand you the whole proposal.

Secondly, you asked about the nature of the ceasefire—what was the meaning of “general ceasefire.” We would like to maintain the phrase “general ceasefire” but we will hand you a paper now about our definition of a general ceasefire, which is as follows:

“The forces of the parties will remain in place pending implementation of the withdrawal provisions and principles of the overall agreement.

“Pending implementation of the political provisions of the overall agreement, neither side will seek to extend its areas of control.

“The civilian population will continue to work and reside in the areas where they are located until the parties agree on the modalities for implementation of the principle of freedom of residence and movement.”

Xuan Thuy: You added to Point 9?

Dr. Kissinger: This is a separate paper. These are not in the points. This is our definition of “general ceasefire.” And we have added another phrase about removal of mines; that we will remove the mines laid in the ports, harbors and waterways, etc. I think you will find that our definition of a general ceasefire is the same as your definition of a standstill ceasefire. And we have also put that removal into the proposal itself. So if you have any additional definitions we will be glad to consider them seriously. And we are prepared to make this document part of any working agreement we reach. So you can be sure there is no dispute between us on the meaning of the ceasefire, and the practical consequence will be a standstill ceasefire. I want to make sure that you understand this. [Hands over US paper, “Essential Elements of a General Ceasefire Throughout Indochina,” Tab A.]

On international supervision, there are two aspects. The International Commission. Our proposal is within the framework of what you proposed on September 15, that is to say, five countries, and we substituted Indonesia for India. On the other hand, the Special Adviser made a proposal yesterday of four countries, with two to be nominated by each side and both sides agree to all four. It is a constructive proposal which I would like to study in Washington with some experts, and to which I will respond next week. So we should not spend the day discussing the differences.

We have prepared a paper that indicates how we think the International Commission should operate and what forces it will require to

supervise the various tasks that have been given to it. These functions are independent of the composition of the Commission, and I would like to submit it to you for your consideration. [Hands over US paper, "International Commission of Control and Supervision," Tab B.]

On International Guarantee, I am assuming that you would propose that the Guarantee Commission would contain the members of the new international Control Commission. Not the five members of the old one but the four members of the new one. We are proposing adding Japan and Thailand to the list of guarantee countries. But [aside to Lord: "Do we have a separate paper on that?"] we have a separate paper on that. We recognize that there is a difference between us, in the sense that you do not want the ceasefire to be part of the international guarantee. As I understand it, you want the international guarantee to concern the international relationships of the Indochinese states. We will consider that and discuss it next time. [Hands over U.S. paper, "International Guarantees," Tab C.]

Now let me go to Point 4.

As I understand it, the Special Advisor made a number of criticisms of our proposal. The first criticism was that we were providing for the election of a President, while your point of view is that the election should be for a constituent assembly. The second point is that we are not defining what we mean by democratic liberties. The third point is that we were confining the role of the Committee of National Reconciliation to supervision of the election.

We have now tried to take account of some of your criticisms in the following ways:

First, we have spelled out what we mean by democratic liberties.

Secondly, we are proposing that in addition to election for the President there should be election for the National Assembly, and we have the following clause "At a time mutually agreed there will be new elections for the National Assembly in which all political forces will be free to participate. These elections will also be organized and supervised by the Committee of National Reconciliation."

Thirdly, we have expanded the functions of the Committee for National Reconciliation in the following provision: "In addition to its electoral responsibilities, the Committee of National Reconciliation will be charged with helping resolve differences which may arise between the South Vietnamese parties in the implementation of the provisions of this agreement and carry out any other conciliatory functions which may be agreed between the South Vietnamese parties."

We have also made a number of minor changes. For example, the Special Adviser pointed out, and so did some commentators from Hanoi, that it was our intention to eliminate the forces of the PRG. We

have therefore written into paragraph 4(f) of this proposal that “The right of all political forces to participate freely and peacefully in every aspect of the political process shall be guaranteed on the basis of mutual respect and non-elimination.” And we have added to Point 4(h) that “The United States is not committed to any political orientation or personalities in South Vietnam, nor does it seek to impose a pro-American government in Saigon.”

Now we will hand you the entire proposal. This supersedes what we gave you last night. When you compare it with our proposal of September 15, when you compare it even with the provisions of last night, you must recognize that we have made a major effort to take your views into account and to move in your direction.

As I understand it, the basic thrust of your proposal yesterday was to give the Government of National Concord the primary role of implementing the agreements. If you study our proposal carefully, and if you avoid the temptation of scoring debating points, you will recognize that we are attempting to do the same thing with the Committee of National Reconciliation.

You have said here, and an editorial yesterday in *Nhan Dan* repeated it, that we are seeking the elimination of your forces in South Vietnam. But you pride yourself on understanding the reality and not the appearances. If you analyze our proposals carefully you will find first that we have given assurances about non-elimination, and secondly that you consider not simply the assurances but the facts, the realities. The reality is that after the ceasefire comes into being there will be definite areas of control, and once they have come into being they will do more to establish the legitimacy of the forces you support than any abstract points we might make here.

My associates and I made a list yesterday of the objections you raised to our previous proposal:

—With respect to Point 1, you complained that we had no provision about non-intervention in the affairs of Vietnam. We have met that point.

—You said that the PRG is not the same as the NLF. We have not yet reached agreement on that point.

—You said that the election should not be for the President alone but for a constituent assembly. We have tried to meet this point by providing for elections for the National Assembly.

—With respect to democratic liberties, you said that we did not specify them. We have done that.

—With respect to the tasks of the Committee of National Reconciliation, we have added a clause which will permit the expansion of those.

—With respect to the resignation of President Thieu, we gave you the answer yesterday.

—With respect to U.S. bombing and mining, we will stop this when we have reached an overall agreement. But we do not exclude an act of good will when we have reached preliminary agreement. I would also like to give you an assurance that once an overall agreement is reached, we will substantially reduce our naval forces off the shores of Vietnam and our forces in other countries of Southeast Asia that can be used in Indochina. I give you that as an assurance which we would be glad to repeat to other countries.

—With respect to Vietnamese armed forces in South Vietnam, we have accepted your proposal to substitute “equality” for the word “fairness.”

—With respect to the ceasefire timing, we have accepted your view that it should coincide with the overall agreement, and we have written it into the agreement.

—With respect to your objection of the phrase “general ceasefire” being too vague, we have given you a document which indicates that we define it to mean “standstill.”

—With respect to reunification, we have dropped the phrase “after a suitable interval after the signing of the agreement,” as you requested.

—With respect to the principle of the unity of Vietnam, we have added a phrase acknowledging the statements of the Geneva Agreements of 1954.

—With respect to the length of withdrawal, as I pointed out I believe that is a solvable problem.

We still differ on reparations, on the applicability of the international guarantees, on the scope of the ceasefire. Though with respect to the last one, your assurance yesterday about the withdrawal of foreign troops from Laos and Cambodia may give us an opportunity to settle the problem practically. We still differ as to Point 4, but we have made a major effort to take account of your views. [Hands over “U.S. Proposal,” Tab D.]

Now in the paper we have given you we have put into brackets those parts we have not yet had a chance to discuss, as I pointed out to you yesterday. This is all I have to say now.

Le Duc Tho: I propose a little break and afterwards I shall express my views.

[The meeting broke at 11:43 a.m. and reconvened at 12:05 p.m.]

Kissinger: Do you know Mr. La Pira from Florence? He sends me a telegram every time when I am in Paris. There are more candidates for the Nobel Prize!

Le Duc Tho: They want to urge you to go rapidly, but you are going slowly.

Kissinger: I am glad the Special Adviser agrees with every word I have said.

Le Duc Tho: I agree with you on some points but I disagree with you on others.

Kissinger: Well, that is progress.

Le Duc Tho: But slow progress. This is a general assessment. Let me now express my views on the 10 points and on points which we disagree.

First, I speak of the guarantee for the Vietnamese people's fundamental national rights. I realize that you have spoken about the Geneva Agreements and spoken of the respect for the rights recognized by these agreements, and the principle recognized by the Geneva Agreements to guarantee our people's national fundamental rights, namely the independence, the sovereignty, unity and territorial integrity of Vietnam. I don't know the reason why you are unwilling to put the word "unity" in this part. It needs only to add two words, and it will reflect the full spirit of the Geneva Agreements. Instead you add two sentences, but these two sentences do not reflect the fundamental spirit of the Geneva Agreements. To put the word "unity" in this part, it does not mean that Vietnam is unified, because the unification is only carried out by agreement by the two sides. But this word "unity" is a demand, a traditional demand, for thousands of years asked by our people. So this word is a principle, therefore we cannot drop this word. Moreover this word has been written in the Geneva Agreements, and this word has been elaborated in the Agreement too. The Geneva Agreement also specifies that the 17th parallel is only provisional, and is not a political boundary forever. This is one country. So it is not logical for you to drop this word.

Now let me address to the second question, regarding our demand of the formation of the three-segment administration in South Vietnam. This is a very reasonable and logical demand, and we have taken into account the real situation in South Vietnam which has been reflected in the proposal we handed to you yesterday. What is the actual situation in South Vietnam? There are two armies, two administrations, three main political forces. Each side has dozens of divisions and hundreds of thousands of troops. So these forces remain in existence after the ceasefire. Without an administration above everything else to direct the implementation of the agreement, how can the agreement be implemented?

It is noted that here we propose a government, an administration, with the task limiting in [limited to] implementing the political and military provisions of the signed agreements. And we have put forward very concrete provisions. The first task of the three-segment provisional government is to implement the signed agreements, the military provi-

sions. Then the political provisions of the agreement, that is to say, the enforcement of the democratic liberties, is the second task. The third task is the enforcement of national concord and then the task to review all laws that are contrary to the democratic liberties and to the spirit of national concord. The fourth task is to organize general elections, democratic and free general elections, and to work out a constitution—not to review the constitution as you propose. To draft the constitution for the approbation of the constituent assembly, and to serve as intermediary between the two existing administrations.

I think without such an authoritative government then it is impossible to bring about lasting peace in South Vietnam and national concord in South Vietnam. Do you want to have a peaceful settlement of the Vietnam problem? Do you want to preserve lasting peace in South Vietnam? How can we materialize national concord and prevent these two different forces to resume conflict without a government with some authority with regard to these two administrations? How can this task be done? Moreover this government is a three-segment government; it does not belong uniquely to our side. It will direct all the existing administrations in the framework of implementing the provisions of the signed agreements. So in comparison with our previous proposals, this is the final and the most practical, realistic proposal.

And the style of work, the manner of operating of this government, is through consultation and through unanimous decision. It is not forcible implementation by either side. The President of this government is assumed in turns. And we have proposed the structure of this administration from the central level up to the communal, the village level.

You understand the situation of South Vietnam. You see it is a war without definite battlefield. All the belligerent forces are in this situation [gestures with his fingers to show how they are intermingled], from the district or the communes to the hamlets. Without a government to direct and to moderate these two parties, how can we achieve peace? How can we implement the agreements? If each side will do as it pleases, as it likes, the Saigon Administration act in one way and the PRG act in another way, then it cannot work. Who will serve as intermediary to implement the agreements, to control the implementation?

Through our proposal we show our desire for a lasting peace. Without such an organization then the war goes on, because there are two opposing forces. How can we settle the problem? So we propose this form of government. It is very realistic and very special, and we have taken into account the actual situation of South Vietnam.

Now the participants to the government, we have proposed three segments, equal in rights: One part is designated by the Saigon Admin-

istration; the second part by the PRG; the third part is a neutralist by common agreement. And operation means by consultations and unanimous decision.

So your proposed Committee of National Reconciliation is not standable, does not stick to anything. Because you propose that this Committee of National Reconciliation will help in the implementation. What is the concrete meaning of the word "help implementing?" We propose "to direct and to stimulate the implementation," but through consultation and unanimous decision. Do you assume that we will account for the majority in this government and we will force them to implement something? So our proposal is realistic. Your proposal is not realistic and does not meet the real situation.

This is why the reason why we say our proposal is final. And if this proposal is not implemented then it is no other way than fighting again.

Now for the naming of the PRG, you see the denomination of the Provisional Revolutionary Government, this name is accepted by many governments in the world. And this writing of the acceptance of this nomination does not mean a legal recognition of the government as when we are set to call the government of the Republic of South Vietnam. It does not mean that we recognize legally this government. In 1962 we did not recognize and in 1962 it was the United States . . .

Kissinger: In 1962 we made an agreement with whom?

Le Duc Tho: You participated in the Geneva Conference and in the agreements as a result of the Conference it was written.

Now in South Vietnam there are two separate organizations I told you yesterday. One is the NLF; the second is the PRG. If you adopt the name of the NLF then as a matter of course you drop the PRG, because in South Vietnam there are two different organizations of different character.

Let me now speak of the third problem, the third question, regarding the elections. We will never agree to Presidential elections because the Presidential system will lead to personal dictatorship, and this proposed Presidential election will be organized in the framework of the institutions of the Saigon Administration. That is the reason why we propose the election to the constituent assembly, and the assembly will appoint various services of the state. The assembly will form the government, will choose the head of the government, the President and the Vice President. So our views differ in this connection.

Now the fourth question I will speak about is about the democratic liberties and national concord. We can say that for nearly 20 years the people of South Vietnam have been living under dictatorship and the fascist regime, from Ngo Dinh Diem down to Nguyen Van Thieu. All right to live and democratic liberties have been ignored. A few days

ago only, I read in the press that not only we, but the American people, your key personalities in the United States are opposed to the dictatorship measures of Nguyen Van Thieu. Therefore we would like to see that this provision should be worked out in details. We define what means democratic liberties; that means freedom of speech, freedom of the press, freedom of meeting, etc. As for you, you only write it in one sentence. You speak of “democratic liberties.”

Fifth, about the resignation of Nguyen Van Thieu, I don't know why you still regret Nguyen Van Thieu.

Kissinger: Why we still what?

Mr. Phuong: Regret.

Kissinger: Regret?

Mr. Phuong: Stick to Nguyen Van Thieu.

Le Duc Tho: Because you yourself feel it necessary [for him] to resign. Now you want to maintain him in power for a few months more. What is the purpose? Frankly speaking, if we come to an agreement and if the ceasefire is enforced in South Vietnam, frankly speaking, if you maintain Nguyen Van Thieu in power it is not beneficial to you. So these are my views regarding the political question.

Now regarding the military questions.

You propose a period for troop withdrawal of three months. You say that this period is still something discussable. We don't know why up till now you do not propose a specific period for the troop withdrawal. Put forward a period and we shall discuss. And we have been meeting for four or five times and this period is reduced only by one month by you. I don't think it will take three months to withdraw the military forces you have now in South Vietnam. Why do you prolong this period? Because if this period is prolonged then the prisoners remain in our country.

Now the second point I would like to raise is about the military technical personnel. We shall consider it and we shall define it in details. You see, regarding the military aid to South Vietnam we have told you definitely that after the end of the war then both the United States should not give military aid to South Vietnam and we will not give aid to the PRG. So we have taken into account the real situation of South Vietnam, so as to enable rapid settlement of the problem. As for you, you still maintain the provision regarding military aid in your proposal.

We have taken into account your views not only regarding the question of military aid but we have done the same regarding the replacement of weapons in South Vietnam. Because so long as you maintain your military aid to the Saigon Administration you still want to be involved in the Vietnam affairs. You say that you want to end U.S. involvement but practically you have done differently.

Now another question, the question of Vietnamese armed forces in South Vietnam. We have proposed that this question should be settled by the PRG and the Saigon Administration. We have proposed that this question should be settled in a spirit of equality, in a spirit that meets the real situation after the war. But what you want means that North Vietnamese troops should be withdrawn from South Vietnam. This will never happen.

Now, regarding the bombing of North Vietnam and the mining of the seaports. We maintain our proposal that after we reach basic agreement the bombing and the mining of North Vietnam should be stopped. When we have reached basic agreement there is no reason that such action should continue.

Regarding the question of ceasefire, we shall study your document and we shall answer you later.

Now regarding the healing of war wounds. In our view the United States shouldering the responsibility of healing the war wounds is an obligation of the United States. It is not a grant, an assistance; it is a responsibility. Because you have been attacking our country for over 10 years now, known to the whole world. We are proud that our people stood up to fight against this aggression. But since so much destruction, so much damages, so you have responsibility in healing it. I think that in our 10 points one sentence should be written down: The United States assumes the responsibility to heal the war wounds in the two zones of Vietnam. As to the documents exchanged between the two parties, we can adopt various forms. As to the amount, we have proposed, what is your concrete views? Last year you suggested the sum of \$7.5 billion U.S. dollars for South and North Vietnam, Laos and Cambodia. What is your views? Our views is such. What is your views? Because you have mentioned, but ever since your military operations is prolonged.

[Xuan Thuy says something to Le Duc Tho in Vietnamese.]

Kissinger: Could I get a translation of the Minister's interjections too? [Laughter]

Le Duc Tho: Ever since your military . . .

Kissinger: I have got enough with the Special Adviser without the Minister egging him on.

Mr. Phuong: Minister Xuan Thuy said that ever since you began these activities have been continued and with more violence.

Le Duc Tho: The reason why I have expressed these views is that there are many questions we can take up for discussion and you are unwilling to do that. On all questions you promised that we shall discuss later.

The fourth question is about international control and supervision. We propose four countries instead of five; we each propose two countries. We have agreed to that.

Kissinger: Not yet. I will study it with a positive attitude.

Le Duc Tho: Yes, you will study it. But our proposal is that the International Control and Supervision Commission will not perform its tasks regarding Point 4, the political question, and in regard to Point 5, the Vietnam armed forces, because doing this the International Commission for Control and Supervision would interfere in the internal affairs of Vietnam.

Now regarding the international guarantee. Regarding the international guarantee we do not agree to the form of guarantees we had previously like the Geneva Conference with the two co-chairmen. We proposed an International Conference of Guarantees. The participants to this International Conference of Guarantees will be agreed upon through discussions. But there should not be international guarantee regarding the ceasefire, because the ceasefire comes under the task of the International Commission of Control and Supervision. And you still propose a military force from 7,000 to 12,000 troops for control and supervision. We definitely will never accept this. The Vietnamese people have suffered enough from the presence of foreign troops and the occupation of foreign troops on their territory. We will never accept such a military force to occupy South Vietnam. Does it mean that United States troops and other foreign troops allied to the United States are withdrawn and are replaced by other foreign troops? This kind of a proposal will lead inevitably to fighting again.

Now the questions regarding the three Indochinese countries, the questions existing between the Indochinese countries. In this connection I have expressed my views yesterday. We have shown our good will and serious intent on this very question and this is a major question. Now the present situation prevails, not only in Vietnam but also in Laos and Cambodia, over the whole region. The union of the revolutionary forces in these three countries are great enough. How the situation is in Laos and Cambodia is known to you. As I told you, the proposal I made to you yesterday shows our good will. That means that we intend, we want, to end the war not only in Vietnam but also in Laos and Cambodia. So if you are reasonable before such a proposal from our side, you should respond by a solution on other points.

The way you are going I am afraid that it will lead to contrary results from your desire of rapid, expeditious settlement, from your view that the situation is ripe now, that you want a rapid and quick settlement. This is the fact. Therefore we can say that the proposal I have handed you is a final proposal. We have made an effort. This is aimed at rapidly ending the war. Now it depends on you. We have

shown good will. We have made concessions to you. But we will not concede in questions of principle.

Now I repeat the questions of principle on which no concession is possible:

First, regarding the political questions: One fundamental principle is guarantee of our people's national fundamental right, of which I have spoken at the beginning; that is the word "unity." And the sentence that we rightly proposed later, regarding that Vietnam is one, that the Vietnamese people is one, that the 17th parallel is a military demarcation line and the 17th parallel is only provisional and not a political boundary. This is a principle recognized by the Geneva Agreements.

Secondly is regarding an administration with power, with concrete tasks concerning the implementation of a signed agreement, the military and political provisions of the signed agreement.

Regarding the elections, it should be elections to the constituent assembly and not elections of the President.

Regarding the democratic liberties, there should be a detailed definition.

In the document we have given you it has been written down providing that the two sides—the PRG and Saigon Administration—undertake to implement the signed agreement, the military and political provisions of the signed agreement.

Kissinger: Is that Point 3?

Le Duc Tho: It is the 4th point of the point dealing with the political questions.

Kissinger: No, it doesn't matter. You are giving me principles which cannot be given up. Is that right?

Le Duc Tho: This is the principles on which there is no concession.

The undertaking that would be made by the two South Vietnamese parties in South Vietnam is written in the last point of the point dealing with military questions. That is, the PRG and the Saigon Administration undertake to implement the signed agreement and all military and political questions. 4(h). I recall this point to stress on the principle of undertaking that will be abided by the two parties.

Regarding the military question, there are two areas. First, one regarding the military aid to South Vietnam, we stick to the formulation we have proposed. We definitely will not accept United States military aid to South Vietnam.

Secondly, the question of withdrawal by North Vietnamese forces from South Vietnam should not be raised. The reason why we propose that we have repeatedly pointed out to you.

Third, regarding the healing of war wounds, the United States should have responsibility in this connection, and your concrete views

should be expressed. As to the form of engagement we can exchange views and agree with each other.

Fourth, the question of international control. There should not be international control regarding Point 4 or Point 5 because that would amount to international intervention in the internal affairs of Vietnam.

Five, regarding . . .

Kissinger: Hold on a second. Let me find it first.

Le Duc Tho: Regarding international guarantees there should not be international guarantees for the ceasefire.

Kissinger: Which is point what?

Le Duc Tho: Six, regarding the Indochina problem. We maintain the formulation we have used in our Ten Points. Our stand regarding this question has been expounded to you.

Kissinger: What point are we talking about?

Le Duc Tho: International Guarantees, Point 10. And on this point I have repeatedly expounded my views. Because you raised the question of POWs, the question of international control, the question of international guarantees, the question of ceasefire for the whole of Indochina—your way is unacceptable. But we have assured you of our stand, and we assure you that we will abide by this statement. The Vietnam problem should be settled firstly; then comes Laos and Cambodia. This is the realistic way of doing it and this is the most rapid way of doing it. So we stick to the principle that we can't interfere in the internal affairs of Laos and Cambodia and settle their internal affairs in their behalf.

So we affirm the principles on which we cannot make concessions. Please understand us. You understand that our fighters have been fighting on the battlefield without yielding an inch. And so, at the negotiating table, we will not move an inch on question of principle. But in negotiations we have made concessions so as to insure a settlement. In reviewing our negotiations we have had five negotiating sessions. We have made great concessions in these sessions. I recall it to you:

—Regarding the resignation of Thieu, we no longer demand the immediate resignation of Nguyen Van Thieu.

—Regarding the three-segment government, up to the present proposal this has been the third proposal on this question I have handed to you. So it is a great show of good will. It is the greatest question for us, and you know it is the most thorny of questions. What is your view on this question? You have not spoken. You have not given definite views on the Thieu resignation. You have reduced the time by one month.

—As to your Committee of National Reconciliation dealing with the elections, this proposal had been made one year ago. I recognize

that now your proposal contains more details; you have spoken in more detail about the task of the Committee. I recognize that you have made some progress. But the progress we have made is greater than yours. You advance very slowly.

—Now on military questions, regarding the period for troop withdrawal, originally we demanded that you should set a specific date for the troop withdrawal. Now we would like the troop withdrawal until after the ceasefire. And since we have met we advance two periods and you only advance one period.

—Regarding military aid, we have taken into account your views when we proposed a provision on the replacement of weapons. We have put forward reasonable proposals. As for you, you stick to the military aid to the Saigon Administration.

—The question of reparations. We have dropped the word “reparations.” We adopted the language you adopt, the responsibility of healing the war wounds. We formulated the provision as your language.

—As for procedural formalities, the procedure, we can discuss it. As for you you don’t advance any concrete views in this connection. When we take it up, you avoid it.

—The fourth question, regarding Laos and Cambodia: I have expressed my views on the question of prisoners in Laos and Cambodia and the question of foreign troops in Laos and Cambodia. It is a show of good will from our part.

Now in reviewing our last few meetings we have made much good will regarding the political question, the greatest one. It is our greatest question. You should realize that. There should be reciprocity. That means negotiations. We have given something; you should give us something as concessions. In such a way we can agree. Though the political question of South Vietnam is the most important question, the way we solve it is proof of our great good will. I think that our proposals we have made are more important, more imbued with good will and show we want a settlement of the problem. If you want also a settlement, you should show good will and comprehension. In such a way we can finally settle.

Our proposal has some limit. We can’t go beyond the limit we have set. That is to say, we have a principle on which we can’t make concessions in an unprincipled way. If we continue to talk in such a way, maybe the negotiations will drag on and may lead to no settlement at all. It will lead to an impasse. I think you should not think that you can make pressure on us in any way you like. You are mistaken if you think so. What we want is real peace and real independence, but not at any price. If we negotiate in such a way then I am afraid that we have no other way left than to continue the war.

I don't mean the question of responsibility but we have been realistic in dealing. I don't mean that you have not made any progress at all, but what I fear is that you are too slow in making progress. It is something objective. It does not mean I am greedy and want you to make too many concessions. It means reciprocity. I told you repeatedly, only in such a way can we find out a settlement. I do not want to speak of what would happen if we don't come to a conclusion, because we have no other way than to continue our fighting. This is very frankly speaking to you, straightforward, open-hearted speaking, so I invite you to make a careful study of our statements.

At the very last meeting we made a proposal and this time we made another proposal, a new one. Everyone knows that this political question is the thorniest question among us, but we have opened a way for a solution this question. It is very clear. If you don't realize that it is incorrect on your part. Only when you realize that point we can settle other points. When we come to a solution you will see that we are reasonable people, but when no settlement is reached you know also that we are determined people. It is also something clear. Because we have arrived at one point where a settlement should be reached and we should settle the problem. So what I am telling you now is something frank, straightforward.

So in conclusion I would say that it is a time for a settlement, a settlement in spirit of mutual comprehension and reasonable way without coercion from either side. We don't make coercion on you, but you should not make coercion on us. We should find out the best way to settle it, and I think it is in the present because we shall have relations in the future for a long time. This is all I have today. I wish that in the next three days of meetings we will make rapid progress. You should make a great effort. We will make effort too.

Kissinger: I appreciate this very moving speech and the spirit in which it is expressed. We should not deal with each other with pressure, with coercion or with threats, but in an attitude of mutual comprehension.

One problem, Mr. Special Adviser, and then I will ask for a brief break. And I would like to make a few observations, just so that we can prepare each other for the next meeting. One problem seems to be this: You speak of changes you made—three changes in your three-segment government. That to you is a very difficult process and a very painful process, and I know it costs you a great deal when you do that—inwardly. Because you are men of principle, which you have proved over many years. On the other hand when we analyze our situation and compare each position, it looks to us from a different perspective as sometimes a rather slow process. On the other hand when we make certain changes in our position it is often very painful

for us, and takes a tremendous effort. Then when you look at it it looks like very little to you because you don't know what we went through, just as we don't know what you went through to make your changes.

I say this in a spirit to advance mutual comprehension. You have important principles, but you also must understand why it is very painful to us, very hard for us, to be asked in a signed document to give up people with whom we have been associated for many years—whatever you think of them.

Of course I don't say this to draw any concrete conclusions. I just want to explain that it isn't ill will on our part, and we don't think it is ill will on your part. I really believe you are sincere in wanting a rapid settlement. I really believe it. So, you know, if I wanted to blackmail you I would say the opposite.

Le Duc Tho: But do you make believe that you have the same desire?

Kissinger: We are sincere too, but you have to grant us our good faith. We have to recognize it is a very tough problem, with a long history. But let us take a break and then let us make a general concrete observation, and a few questions for clarification, and maybe a work program for next time. But I can tell you now, what you have said will be studied with the greatest attention and will be studied very seriously. So if we could take a brief break, and then . . .

Xuan Thuy: Let me add something before we break, for your consideration. There are points you have made, statements on these points previously, but now you don't write them in your proposal.

Kissinger: Like what?

Xuan Thuy: For instance the Committee you proposed—the Committee of National Reconciliation—we have expressed our disagreement to it. We disagree to its name as well as to its task. What we want is a Provisional Government of National Concord. This has been expressed by Mr. Le Duc Tho.

Kissinger: I know.

Xuan Thuy: Even for the Committee of National Reconciliation in our discussion, you mentioned about the three segments of this National Reconciliation Committee, about the two tasks of this Committee. The two tasks are to organize the elections and to review the constitution. Now you have dropped these points from your proposal.

Now regarding the question of reparations, taking into account your views we have dropped the word "reparations." We wish to write this question into one sentence. Yesterday you said [reading from their notes] that what we can do is to add one sentence in the agreement saying that we recognize the need to rebuild Indochina or a sentence like this. After that we shall make private assurances to you that we

shall make a great effort in doing so. But today you don't write anything in your proposal.

Yesterday you handed us some documents. Today you have handed us three documents. But first consideration of these documents makes it apparent that in detail we have a point of difference. That is the reason why Mr. Le Duc Tho today has expounded his views to you in very explicit way where he addressed the principles. We stick to this and the way we can come to agreement I fully agree to the views of Mr. Le Duc Tho.

Kissinger: I was hoping the opposite would happen, but that is another disappointment. I was hoping that for once the Minister would reply to the Special Adviser and contradict him!

Xuan Thuy: You are a one-man representative but we have two!

Kissinger: You should hear how my colleagues talk to me under your influence. [Laughter]

[The meeting broke at 1:30 p.m. Dr. Kissinger's party conferred outside in the garden until snacks were served in the meeting room. Russian caviar, shrimp flour chips (*banh phong tom*), white wine and sherry were served, in addition to fruit and *chia gio*.]

[Dr. Kissinger engaged Le Duc Tho in informal private conversation outside, stressing that the United States as a matter of principle could accept a natural evolution in South Vietnam, and any outcome resulting from events in South Vietnam, but could not be in the position of imposing an outcome.]

[The meeting reconvened at 2:25 p.m. As the group sat at the table, the lights—including a chandelier overhead—were turned on.]

Kissinger: In Russia I always said they had a camera in the ceiling and photographed all the documents. In fact, I once told Foreign Minister Gromyko when our Xerox machine broke down, I asked him if I held the document to the ceiling if he would get me three copies.

Le Duc Tho: You have this machinery too.

Kissinger: Not in the ceiling.

Le Duc Tho: In other places.

Kissinger: No, we are very badly equipped that way.

Le Duc Tho: You have very many sophisticated machines.

Xuan Thuy: But you do not have to worry here. Vietnam is very backward technically.

Kissinger: Let me make a few observations and ask a few questions. First one very fundamental question. When the Special Adviser says that his proposal is a final offer, does that mean that we have to come here on the 7th and sign your document, and that if we don't there is no agreement possible? Or are we coming here for a negotiation?

Le Duc Tho: Only one question?

Kissinger: That is a fundamental question.

Le Duc Tho: I have pointed out the questions of principle in this proposal. Regarding these questions of principle we will not make any concessions. If you disagree to these questions of principles, then the problem cannot be solved.

Kissinger: But what I want to understand is that when you say we disagree, do we have to accept exactly what is in this document, or is there room for discussion?

Le Duc Tho: You see when it means a question of principle this means that these are principles. But as to the language to formulate these principles, this can be discussed. But if the language is contrary to the principle, then no settlement is possible.

Kissinger: Well, let me review the principles you gave us, to make sure that I have understood them so we can study them carefully. The first concerns the guarantee of fundamental national rights, which you express in the word "unity." Our attitude is that we have no difficulty affirming the unity of Vietnam, but what we do not want to do is provide a justification for military actions by one part of Vietnam against the other if these negotiations should not come to an agreement.

Le Duc Tho: Here Mr. Special Adviser is confusing the commitment on paper of the principle and the practical conditions.

Kissinger: In what way?

Le Duc Tho: If one side intends to use military activities against the other, even this word is committed to paper there is no significance at all. But this word "unity" reflects our entire people's aspiration for unity. It's thousands of years standing aspiration. Moreover, later we put down a provision saying that the way to reunify the country is through peaceful means, and step by step restoration, through agreement between the two sides. Then how can there be a use of military means by one side against the other side? I do not want to recall here the historical events of the war. Explicit provisions have been laid down by the Geneva Agreements, but who has torn these agreements, who has started the war in South Vietnam, I don't want to recall this.

Kissinger: I understand your point. The second principle you mentioned was that the definition of the tasks of the Committee for National Reconciliation lacked concreteness. You also don't like the name. I just want the Minister to know that I pay close attention to what he says!

Xuan Thuy: There is a difference between national reconciliation and national concord.

Kissinger: That I have to confess is not clear to me. So with respect to your second principle, what you feel is that the tasks of this Committee, or whatever, have to be spelled out, and that democratic liberties

have to be more precisely defined, and that the elections should be for a constituent assembly and not for a President. Did I understand that correctly? I just want to sum up, to be sure I understood the Special Adviser.

Le Duc Tho: Not quite right. What we want is an administration with its concrete power, its concrete tasks, its concrete structural system. These points are a principle to us.

Kissinger: I understand that.

Le Duc Tho: As to the election, we stand for election to an assembly, and the assembly, the constituent assembly, will form the government and work out a constitution and choose the President, Vice President or Vice Chairman or Chairman, as you call it. What is different from your proposal is that you stand for Presidential elections and the elections will be organized under the constitution of the Saigon Administration. As to the democratic liberties, what we want is to write them in detail. What are these democratic liberties, as you have written? Freedom of the press, freedom of meetings, personal freedoms and so on.

Kissinger: On the military questions, your view is that military aid to Saigon must be stopped but you permit some replacements, but only on an agreed percentage to the PRG. And secondly that the withdrawal of North Vietnamese forces should never be raised.

Le Duc Tho: We have proposed that the United States should no longer give military aid to the Saigon Administration and we, North Vietnam, will no longer give aid to the PRG. But replacement of weapons will be allowed, on a principle of equality.

Kissinger: Does that mean we can replace weapons of the South Vietnamese?

Le Duc Tho: It means, if now we speak of replacement of weapons, if they have now American weapons, if they have to replace it they have to take American weapons. They can't take German weapons! American rifles cannot use German bullets! But this replacement would be carried out on the principle of equality at specific intervals.

Kissinger: I understand that. Now let me understand the point about your forces in the South. Can they be supplied with weapons?

Le Duc Tho: The armed forces of the PRG will no longer receive weapons from the DRV. We have put it in our document.

Kissinger: Yes, but how do you consider the forces in the South? Are they considered armed forces of the DRV or armed forces of the PRG?

Le Duc Tho: The replacement of weapons will be allowed by right by both the PRG and the Saigon Administration on the principle of equality. Replacement but not reinforcement.

Kissinger: But how do you consider your forces in the South?

Le Duc Tho: Now I shall come to this part. As I told you last time, at previous meetings, over half a million of South Vietnamese regrouped to North Vietnam, and now these South Vietnamese plus North Vietnamese youth go south as volunteers and organize themselves into units. These units are under the command and the leadership of the Provisional Revolutionary Government. They are now the Liberation Armed Forces of South Vietnam. There is no question of withdrawal of these troops to North Vietnam. If you pose the question as you do, then not only it does not conform to the real situation of South Vietnam but moreover it implies that North Vietnam send troops for aggression against South Vietnam. You yourself once said that you cannot put the question of withdrawal of North Vietnamese troops because it would be contrary morally, legally and politically . . .

Kissinger: No, I said you consider it. I didn't say I consider it.

Le Duc Tho: Last year you said this. Last year. This question of Vietnamese armed forces in South Vietnam will be settled by the South Vietnamese parties in a spirit of equality, of mutual respect and conforming to the postwar situation. I firmly believe that after the restoration of peace, after the enforcement of a ceasefire, if the two South Vietnamese parties are bounded by a real spirit of peace and want to preserve lasting peace, then this question can be solved easily.

Kissinger: All right, the next question of principle was the healing of war wounds. I understand now. I don't have to ask a question. I understand your point.

The next point concerns international control. You believe that Point 4, that it is the political point, and Point 5, the Vietnamese armed forces, should not be under international control at all.

Le Duc Tho: Right.

Kissinger: I am just asking. I am not debating. Yet I thought I had found . . .

Le Duc Tho: In 1954 and in 1962 when the question of international control and supervision were put forward they were not as you put now.

Kissinger: But under Point 9(a), however, you say that the International Control Commission will supervise the free and general democratic elections in South Vietnam. This is mentioned in Point 9(a).

Le Duc Tho: Right.

Kissinger: Now how do you explain this? If there can be no control for Point 4 but there can be control for the election. I just don't understand the point.

Le Duc Tho: What I mean is that there will be no international control and supervision for the whole provisions of Point 4.

Kissinger: On the elections.

Le Duc Tho: Only the elections.

Kissinger: Now as to International Guarantee, you don't want any of the Indochina problem under international guarantees?

Le Duc Tho: The principle we follow is this: Here it is the conference on the Vietnam problem. We can speak of international guarantees for Vietnam, but not for Laos and Cambodia, because it would involve the sovereignty of these countries. We can't decide questions concerning these two countries on behalf of the Laotians and Cambodians. We don't know whether they agree to have such international guarantees or not. Yesterday I told you that after the settlement of the Vietnam problem, after the settlement of the Laotian and Cambodian problem, I personally think that there may be an international conference for the guarantee of the problem of these countries. How can we write in a document signed between you and us that there will be international guarantees for Laos and Cambodia?

Kissinger: Why not?

Le Duc Tho: Because this involves the sovereignty of these countries. We can't do in their place. We can't in the place of Laotians and Cambodians lay down an international guarantee for their countries.

Kissinger: You told us that the problem of the prisoners in Laos and of the withdrawal of your forces from Laos and Cambodia could be handled by some understanding between us. Now how concretely do you envision this?

Le Duc Tho: I wanted to raise this principle of respect for the 1954 and 1962 Geneva Agreements on these countries. I wanted to raise the principle of respect for the independence, the sovereignty and the territorial integrity of these countries, and in this respect all foreign troops should be withdrawn from these countries, all military activities by foreign troops in these countries should be stopped, and no weapons and no fresh troops should be introduced in these countries. I said that this means that when the question of Laos and the question of Cambodia [are settled] we will give guarantee for the respect of this principle. I tell you this for your knowledge. When the question of Laos and Cambodia will be settled we shall give assurance of this. As to committing down this sentence in the document we have here, we can't do that because if this is to be done we have to discuss with our friends of Laos and Cambodia.

Kissinger: Let me understand this. I can see that you don't want to prescribe a settlement for Laos and Cambodia, but you certainly can dispose of your own forces. Why can you not say in the document that you would withdraw your forces from Laos and Cambodia as part of a settlement. If you would do this, then the issue of a ceasefire for Laos and Cambodia would not arise.

Le Duc Tho: But you know the three Indochinese countries are linked together in the common struggle. So there is no possibility that we withdraw our forces without discussing with our friendly countries. But we firmly believe that when the Vietnam problem is solved the Laos and the Cambodian problem will be solved too. You have not yet believed in our stand; therefore you have not correctly understood. In negotiating with you what I am telling you now is on behalf of my government, and I make this statement very seriously. It does not mean that now I make such a statement and in a few days time this would be wiped out. Because we shall have opportunity to meet again, not only the negotiations on Vietnam, but later on the negotiations on Laos and Cambodia.

Kissinger: [Laughs] Never again! Much as I admire the Special Adviser, never again. I will send my younger brother next time.

Le Duc Tho: Even if it is your younger brother, he will represent the United States government, and what I am telling you now we shall abide by it.

Kissinger: All right. Now on the prisoners. You said you could give us your assurance that the prisoners in Laos can be returned. How is that going to happen?

Le Duc Tho: Here we don't write down "prisoners throughout Indochina," because it again involves the sovereignty of these countries. I remember last year when during our discussion you yourself said that our competence in this direction does not cover the countries of Laos and Cambodia.

Kissinger: The Special Adviser has a magnificent memory for these things that didn't happen. But I am talking about our prisoners. We will not settle unless our prisoners are returned, so it is not an academic question nor a legal question.

Le Duc Tho: We shall take into account your views and we shall work out arrangements with our friends.

Kissinger: All right. A comment about your concessions. You said you no longer demand the resignation of Thieu before immediate settlement. You would settle for it after an agreement. Of course it is an interesting negotiating technique. When you retreat from the impossible to the intolerable you call it a concession!

Le Duc Tho: In any case it is a concession when two demands are different. First we demand this and after we demand that.

Kissinger: I am learning a lot for future negotiations. I will demand something absolutely outrageous, and then I will demand half of that and ask for reciprocity.

Le Duc Tho: Only through this concession can we find a settlement. And last time you said precisely that on that point we have made a concession.

Kissinger: Yes, but the practical consequence of your accelerated schedule is that instead of resigning today President Thieu has to resign in four weeks. If we meet our schedule this will be the result, if I understand it. [Thuy smiles.]

Le Duc Tho: Such is our proposal. Thieu will resign after we have reached our overall settlement.

Kissinger: And that the overall settlement be reached by the end of October. It is not a tremendous concession.

Le Duc Tho: It is not great, I acknowledge, but it is a concession all the same.

Kissinger: All right I will believe that.

Le Duc Tho: You yourself admitted that it was a concession last time.

Kissinger: But at one point the Special Advisor also said that the government in Saigon and the PRG without a change in personnel would negotiate in the second forum. But now that forum, that concession has been very much compressed in time.

Le Duc Tho: Let me ask you this question first. What are your views on the resignation of Nguyen Van Thieu?

Kissinger: We have put our views in our proposal.

Le Duc Tho: Before the election, you mean he will resign before the election?

Kissinger: Yes.

Le Duc Tho: But how many months before?

Kissinger: I told you that answer we said.

Le Duc Tho: You say that it can be discussed.

Kissinger: The final date will be settled in the second forum, but we will recommend two months.

Le Duc Tho: As to the change of the composition of the present Saigon delegation, it is not important. If you can do that it would be good, if not, no matter. It is a flexibility on our part, indeed.

Kissinger: You said that on the troop withdrawal period you have made two concessions and we have made only one. I could say we have given you 30 days and you have given us 15, so you owe us 15 days. [Laughter]

Xuan Thuy: Previously you said a long period, and now you reduce it by one month. It is not enough.

Le Duc Tho: Previously you proposed three months, but what date do you propose now?

Kissinger: We will make a specific proposal next time on this. On the guarantee of national rights, democratic liberties, we will study it

very carefully and find some solution. On the healing of war wounds we will try to find some formulation that is in line with our discussion yesterday. And I will try to find some realistic estimate of what is reasonable to expect Congress might allocate to it. All your other points we will study with extreme care, and with the attitude that we want to bring about a final settlement, rapidly. We will see whether we can be more specific about the democratic liberties and more specific about the functions of the Committee of National Reconciliation, and perhaps more specific about its operation on a level other than Saigon, so that it might operate in the provinces.

So we will approach this with a very serious attitude and with the intention of meeting the deadline, and keeping in mind what the Special Adviser told me privately about the importance of concentrating on fundamentals.

By the same token, I hope you keep in mind some of the considerations we have expressed, both here and when we talked privately. This is a very difficult and a very serious problem for us. We seriously want to end it and to end it rapidly. And if we do, we could then concentrate on our long-term relations, where the independence and progress of Vietnam would be one of our objectives.

So that is all I have to say today.

No, one other question: When you speak about the Government of National Concord you said it makes its decisions by consultation and unanimous decision. Did I understand that correctly?

Le Duc Tho: Right.

Kissinger: By unanimous decision, all three segments have to agree?

Le Duc Tho: Yes, there must be agreement by the three segments, then it will be implemented. In the document we handed to you, it is there.

Kissinger: Yes, but I wasn't sure I understood this. I understand now.

Le Duc Tho: Let me make a brief statement before we break. If really, as you said recently and here today, you wanted to end the war and rapidly, I agree with you on that. And in the same spirit we have put forward up to now many signs of good will. But if you want a settlement and rapid settlement and end to the war, then you should adopt this same attitude. As I assess the situation, it is an objective assessment, and you should adopt this attitude if the war is to be ended. And if we want a rapid settlement we should adopt a suitable method of negotiating and we should look into the face of the real situation. We should frankly, candidly, expound our concrete proposals. There should not be stratagems or tricks to cope with each other and to deal with minor points—it is not a way of negotiating. So big

is the problem that is facing us, we have to look into the major problems. When the major problem is settled the minor ones will resolve themselves. And if you do want a settlement, you will find a way to settle. And you will assess yourself that your proposal is reasonable enough. You know what proposals of ours are reasonable. We will know which of your proposals are reasonable. We can't deceive each other. We can't fool each other. And in such a way we shall know how we reach common ground on that point. Otherwise no settlement is possible. So the way of conducting negotiation has its importance.

So I am looking forward to our next meeting. You will come here with an attitude conforming to your statement about good will, desire for a rapid settlement, a positive and constructive attitude. But each time you come here, you come with a small progress. If we review our last two days of work, the progress is very small. The only thing is the schedule of negotiations, the fixation of the date of meeting again, the agreement on the way to sign the agreement, the conclusion of agreements. But regarding the content of the solution, not much has been done. If a quick settlement is to be achieved, we should be straightforward and forthcoming. You know that we have good will and desire for a settlement, and you should make an effort, in accordance with the schedule we have agreed to.

Kissinger: Well let me make a few observations here, Mr. Special Adviser. I absolutely reject the proposition that your side has a monopoly of good will. I absolutely reject a procedure whereby meetings between us are conducted as if we were students taking an examination in the adequacy of our understanding of your proposals. That way there is absolutely no possibility of progress. We have made a serious effort, which has been too slow by your standards. I won't score debating points; I think you have made a serious effort. It hasn't been enough yet on either side. So we must both make a serious effort in the interim. No, we don't have a businesslike approach to these negotiations in these meetings. There is no businesslike approach, because we spend more time arguing about agendas and timetables than about concrete points.

Now I recognize that you consider Point 4 the essential point. But you have said 100 times that if we don't make progress on one point we should go on to another point. Instead of arguing over and over on points which clearly cannot be settled at one meeting, we could have drafted agreed language on some of the points on which we have agreed. That would have been progress, not decisive, but progress. We will have to do it sometime anyway. There are several points on which we are very close to agreement. If we spent two hours putting them into final form then we would have concrete progress.

Now I recognize that everything is an integral whole, I have understood this, and that no point is accepted until all points are accepted.

I agree with that. But it is driving it to absurdity to say no point can be accepted or discussed until one point is accepted. In every other negotiation that I have seen, one would begin to draft on those things on which one has agreed and then narrow it on those one has not agreed. The Special Adviser has expressed some disappointment. I am also disappointed. We haven't agreed on any documents. We have only exchanged papers. If we had only some agreed language, it would save time later on. So I would suggest that when we meet next time, not only do we try to narrow our differences and eliminate our differences on those points on which we are not yet agreed, but attempt to put into language those points on which we are agreed.

Le Duc Tho: I want to express my views. I have made some observations; it is my right. And it is your right to reject my observations. You are the professor, therefore you have very frequently the impression that this is teaching the pupil. It is not so here, because I make observations on your statements and you can make observations on my statements. And consequently I have assessed our last two meetings as I have, and I feel I am just, I am right, and my remarked observations are right. Because if we continue this method of negotiation I am afraid that we can't achieve our goal of rapidly ending the war. Therefore I suggest that in the next three days of negotiation we should concentrate on problems on which there is great difference between us, so to narrow the differences and so we can settle the problem.

So the next three days of meetings will be decisive whether a settlement is possible or not, because there is not much time left. If we can't decide then we can say that we can never decide.

Kissinger: Never is a long time.

Le Duc Tho: Because disagreement is there. How is settlement possible? Naturally in a settlement there must be mutual comprehension to find out a mutually acceptable and reasonable settlement. So for the next meetings I would propose that these are the problems on which great differences still remain, and we shall resolve it in substance—the essential problems. As to the questions on which we are approaching agreement, then we can discuss the language, the formulation. For the concrete provisions we can see the way of formulation just as you proposed: the formulation, the language, the documents. But first we should concentrate on the essential points.

Kissinger: Well, I agree we should concentrate on the essentials, and we shall approach with the attitude of making a settlement and making constructive progress, and I hope you shall approach it with the same attitude toward progress.

Le Duc Tho: We shall maintain the attitude we have been adopting the last few days. You should adopt the same attitude. The problem

between us is we are both expressing the same desire, the same statement, but practically there is great difference.

Xuan Thuy: In the documents you have given us yesterday and today, there still remain many differences.

Le Duc Tho: And on the political problems we are all the more far apart. We should narrow these differences. For an objective assessment you should say that for one or two minor points we have made progress, but not great progress.

Kissinger: Well, there is no point in continuing the debate on the subject. Because we will be judged by the results and not by discussing each others motives.

Le Duc Tho: All right.

[The meeting then adjourned.]

21. Memorandum of Conversation¹

Paris, October 8, 1972, 10:30 a.m.–7:38 p.m.

PARTICIPANTS

Le Duc Tho, Special Advisor to the DRV Delegation to the Paris Peace Talks
 Xuan Thuy, Minister, Chief DRV Delegate to the Paris Peace Talks
 Phan Hien, Advisor to the DRV Delegation
 Nguyen Dinh Phuong, Interpreter
 Mr. Thai, Notetaker
 Second Notetaker

Henry A. Kissinger, Assistant to the President for National Security Affairs
 Major General Alexander M. Haig, Jr., Deputy Assistant to the President for
 National Security Affairs
 Winston Lord, NSC Staff
 John D. Negroponte, NSC Staff
 David A. Engel, NSC Staff—Interpreter
 Peter W. Rodman, NSC Staff
 Julie Pineau, Notetaker

Dr. Kissinger: Did I force you to go to early mass this morning?
 [They laugh.] I am responsible for any inadequacies then in the salvation of your soul.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 856, For the President's Files (Winston Lord)—China Trip/Vietnam Negotiations, Sensitive, Camp David, Vol. XX [1 of 3]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at 108 Avenue du Général Leclerc, Gif-sur-Yvette. All brackets, except where noted, are in the original. The tabs are attached but not printed.

After this meeting with Le Duc Tho, Kissinger directed Haig to send the following message to Haldeman through NSC Staffer Colonel Richard T. Kennedy: "Tell the President that there has been some definite progress at today's first session and that he can harbor some confidence the outcome will be positive. However current state of play here confirms that it is essential that we make absolutely no public statements on the status of negotiations." (Message from Haig to Kennedy, October 8, 2132Z; National Archives, Nixon Presidential Materials, NSC Files, Box 856, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XIX)

Kissinger later wrote that Le Duc Tho's proposal represented a breakthrough moment: "For nearly four years we had longed for this day, yet when it arrived it was less dramatic than we had ever imagined. Peace came in the guise of the droning voice of an elderly revolutionary wrapping the end of a decade of bloodshed into legalistic ambiguity." (Kissinger, *White House Years*, p. 1345)

The breakthrough reflected guidance sent to the North Vietnamese negotiating team from the Politburo on October 4:

"We should endeavor to end the war before the US election, to foil Nixon's scheme to prolong the negotiations and to win the election, to continue Vietnamization and to negotiate from a position of strength. We should make pressure on the US to officially sign an agreement on a cease-fire in place, the withdrawal of US forces and the release of prisoners of war. For this purpose, we should hold the initiative in solving the content of the agreement, the timing, the conduct of negotiations and the tactics at the meetings of October 8, 9, 10.

(Footnote continues on next page)

We're definitely meeting tomorrow, aren't we? The only reason I ask is because the Colonel will have to make arrangements if there were any question about it.

Xuan Thuy: Last time we have agreed that we would meet for three consecutive days beginning today. It will depend on our work. We may prolong our meetings if necessary. Probably we shall keep our agreement.

Dr. Kissinger: It's agreeable to me. It's just that our airplane is in Frankfurt. It's purely technical. We're prepared to meet for three days and if necessary even longer.

Le Duc Tho: Today it is fine weather. It is good travelling for you.

Dr. Kissinger: Yes.

Le Duc Tho: For the sake of peace we sacrifice one fine weather day like this, and also apologize to Christ. But Christ would like peace too and not war.

Dr. Kissinger: And there's a very important horse race today. I know the Special Advisor wouldn't have gone, but I am not so sure about the Minister. [Laughter]

Xuan Thuy: I don't play at horse race, but I do like to see them participate in horse racing.

Dr. Kissinger: I have never seen a horse race.

Xuan Thuy: It is very interesting pleasure indeed, and you have missed it.

Dr. Kissinger: In France they run the opposite way around the track than in America. And I am told there's one race track in Paris, in Auteuil, where when they get around the other side they're behind

"Our primary requirement at present is to end the US war in SVN. The US should withdraw all its forces, end its military involvement in SVN and stop its air and naval war and its mining in NVN. The end of the US military involvement and the cease-fire in SVN will lead to the *de facto* recognition of the existence of two administrations, two armies, and two areas in SVN. If these objectives are reached, they will constitute an important victory for both zones in the present balance of forces in SVN and create a new balance of forces to our great advantage. Besides this primary requirement, we shall insist upon democratic freedoms in SVN and the payment of damages.

"To concentrate the brunt of the struggle on using the electoral opportunity to put pressure on Nixon and to obtain the aforesaid requirement before the election, we should, for the time being, set aside some other requirements regarding the internal issues of SVN.

"What we do not obtain in this agreement is due to the situation; even though we continue to negotiate until after the election we still cannot obtain it, unless there is a change in the balance of forces in SVN. However, if we succeed in ending the US military involvement in SVN, we will have conditions to obtain these objectives later in the struggle with the Saigon clique and win bigger victories." (Quoted in Luu and Nguyen, *Le Duc Tho-Kissinger Negotiations in Paris*, pp. 302–303)

For a fuller account of the adversaries' preparation for this meeting, see *Foreign Relations*, 1969–1976, vol. VIII, Vietnam, January–October 1972, Document 284.

the trees so you can't see them, and I'm told that that's where the jockeys decide who will win.

Le Duc Tho: But we, are we making now a race to peace or to war?

Dr. Kissinger: To peace; and we're behind the trees!

Le Duc Tho: But shall we overcome those trees or we shall be hindered by these trees?

Dr. Kissinger: No, we will settle.

Le Duc Tho: But if you get out of these trees we will too.

Dr. Kissinger: We'll both come out from behind the trees and we will settle.

Le Duc Tho: And then both the horses will have the same road.

Dr. Kissinger: But as we get across the finish line he will be saying, "You have not been sufficiently concrete." [Laughter] At the signing ceremony the Special Advisor will make a speech saying Dr. Kissinger was inadequately concrete.

Le Duc Tho: Actually at the signing ceremony, it is not concrete enough, and after the ceremony you should be concrete too!

Dr. Kissinger: And after the signing ceremony we will start a new era which will begin an increasingly friendly relationship between our two countries.

Le Duc Tho: It is certain.

Dr. Kissinger: So it will be a different relationship altogether.

Xuan Thuy: Shall we begin now?

Dr. Kissinger: Now I have one procedural point on which I promised the Special Advisor an answer this time, on how to proceed with these documents. Our idea is that when we have finished with these 10 Points they should be initialed by the Special Advisor and myself, and announced, so that we can give proper direction to the bureaucracy and so that other countries can understand what is going to happen. After the overall agreement is signed—after the overall agreement is completed, we agree that it should be signed by the Foreign Ministers.

Xuan Thuy: We shall take note of this and we shall further exchange views on that. But now I propose we should do this way. Last time, on September 27th before we left, Mr. Special Advisor Le Duc Tho repeated and stressed on the question of principles, and he expressed the hope that both sides will show good will and make effort so that at the forthcoming meetings we should get good results. And we shall do in such a way that we shall put an end to the era of conflict and shift to an era of peace in which the relations between the United States and Vietnam should have a change. Now I shall give to the Special Advisor to speak first.

Dr. Kissinger: I see that the Special Advisor has two big green folders.

Xuan Thuy: I agree with Mr. Special Advisor Le Duc Tho, his views at the end of the last meeting, that Dr. Kissinger said that we should study each other's views and afterward you sent your Deputy General Haig to Saigon so that we would have a comprehensive proposal.

Dr. Kissinger: I am glad to see, incidentally, that the Minister is fully recovered and in his old fighting form. That's why I brought General Haig along, so that I have some support. [Laughter]

Xuan Thuy: So now your side is bigger today with General Haig assisting.

Dr. Kissinger: I agree with the Special Advisor's suggestions that perhaps I should speak first, and then we will exchange views.

I have been sent here by the President to try for a decisive breakthrough to a negotiated settlement. We have worked to that end—in Washington and Saigon—since our last session. And we shall work with you here the next three days toward that objective.

I trust that you are not without information on events in Vietnam, so you will know that the visit of my Deputy to Saigon was not one of the easier missions he has had to perform.

At the end of our last meeting the Special Advisor stressed the necessity for "mutual comprehension" in order to find a mutually acceptable and reasonable settlement. We said we should frankly address the major problems and expound our proposals. That is our approach.

I have brought a new proposal with me today. [U.S. draft agreement, Tab A.] In framing it we carefully studied your own plan of September 26 and the eloquent remarks of the Special Advisor at our last meeting. Before presenting our new plan, let me candidly give you our assessment of your positions as they now stand. For just as the Special Advisor stated firm North Vietnamese principles last time, so the United States has its own principles that it cannot compromise. So let me in the first part of my presentation follow what I have—one of the things at least—that I have learned from the Special Advisor, and offer a critique as we see it on your proposal, and then we will offer our own proposal.

Le Duc Tho: You have the right to do that and I have the same right too.

Dr. Kissinger: I don't have the impression that the Special Advisor is extremely reticent about exercising that right. [Laughter] In fact it's a lucky thing my megalomania is so well developed or I would really suffer from feelings of inadequacy after I hear the Special Advisor. [Laughter]

Le Duc Tho: Please go ahead.

Dr. Kissinger: Let me make first our critique of your proposal so we can see what it is that has to be remedied.

There are two overall tendencies in your plan. First it focuses almost all obligations and controls on our side. The DRV as such would have few reciprocal obligations and would have the implicit right to intervene everywhere in Indochina. Secondly, the plan concentrates exclusively on South Vietnam. It makes no provisions for the other countries of Indochina. Your troops would remain in South Vietnam; the base areas in Cambodia and Laos would continue to serve them; and there would be no limitation on the introduction of military forces into these base areas.

Let me be more specific.

We have found some positive elements in your latest political plan. These include: the principle of unanimity for the tripartite body; the willingness to spell out other guarantees that no force should dominate that body; the fact that the Government, as you call it, would be exclusively charged with carrying out the military and political provisions of the agreement; the maintenance of the existing authorities in South Vietnam.

Le Duc Tho: It is a most positive point, very positive point.

Dr. Kissinger: He won't even let me agree with him! I agree, these are positive points.

Le Duc Tho: And it no doubt has facilitated the task of General Haig to Saigon.

Dr. Kissinger: I wouldn't go so far as to say that. [Laughter]

None of these positive elements has any significance, however, if the existing authorities are not able to maintain themselves. And the combination of various elements in your overall plan would put maximum strain on the existing structure. Unintentionally, of course!

Le Duc Tho: But the operation of the new government is on the principle of unanimity, unanimous agreement and consultation; there is no coercion from either side.

Dr. Kissinger: I have understood this, but there's got to be something to be unanimous on. But I understand; it's a positive point. I am not arguing. Let me indicate what these strains are because you may have missed them when you devised the plan!

Xuan Thuy: We did not consent to your ideas in drafting our proposal. [Laughter]

Dr. Kissinger: You would remove the incumbent President upon signature of an agreement; you would abolish the present constitutional structure; you would create new quasi-governmental organs from Saigon right down to the village level; you would have all our forces rapidly withdraw while yours remain; you would have all military aid to South Vietnam stop, except replacements, while there would be no control over what happens to the military equipment you could

introduce into your base areas. This leaves aside the difficulty of controlling the jungle trails within South Vietnam through which your equipment moves, and which I illustrated last time for the Special Advisor with the example of the appearance of tanks in areas where our experts had told us it was impossible for tanks to operate!

Le Duc Tho: You have so many means of detection: You have electronic means of detection, you have even satellites. Why can't you know that?

Dr. Kissinger: That's a very interesting question! But you have shown great ingenuity in moving your forces without detection. Even when we had 500,000 men there.

Le Duc Tho: You did know that, but now you say you did not know.

Dr. Kissinger: We have learned one lesson from the war in Vietnam: We will fight the next war in the desert. [Laughter] That's a guarantee to you! May I continue my comments on your plan? [Le Duc Tho nods.]

The cumulative impact of these various elements is clear. Even if any particular one would not necessarily prove decisive, the combination of them all occurring simultaneously has to give us concern. I know this isn't intentional. It is in the spirit of cooperation that I advance this to you!

Now let me comment further on the military provisions in your plan, with regard to their military impact alone, leaving aside their effect in conjunction with your political elements.

After our total withdrawal, your forces would remain behind in South Vietnam—though the way you define your forces is vague. We are not even supposed to discuss your troops, much less cover them in an agreement.

Furthermore, we have to date only verbal assurances about your forces in Laos and Cambodia—which not only affect those countries but obviously South Vietnam itself. And even then their removal is placed at some vague date in the future.

There is no provision for ceasefires in the countries surrounding Vietnam, and no control over the major infiltration routes.

The provisions on replacements of arms apply only to South Vietnam and nowhere else in Indochina. Thus you could build up all along the borders of South Vietnam in your traditional base areas.

And we have serious questions about your approach to international guarantees.

I list all these questions not because I think they add up to an insoluble impasse. I list them so as to tell you candidly the problems we perceive in your plan—despite its positive aspects—and the issues we must resolve. We do not claim that you must satisfy us precisely and completely on every item in this list and in every detail. But you

should understand that we must come to grips with these issues with truly mutual understanding and compromise if we are to reach an early agreement. And time is getting short.

Now let me turn to our new plan, which I shall hand you at the end of my presentation. Unless the Special Advisor would like to hear some more philosophy first. [Le Duc Tho smiles.] Let me explain the plan first.

In our new proposal today we have taken account of the positive aspects of your plan and we have tried also to take account of specific points the Special Advisor made last time. We have paid close attention to your principles. But we must also be faithful to our own.

Let me briefly explain what we are trying to do in this proposal.

There are three main categories of problems before us—the political issue, the military questions and the scope of the agreement.

Let me turn to the political issue first. We have taken account of the Special Advisor's point last time that the central institutions—whether we call them by your name, the Government of National Concord, or by our name, the Committee of National Reconciliation—be given specific responsibility and that the functions of the existing authorities be more precisely spelled out.

What we have done in short is to accept your side's basic principle that there are two administrations, two armies, and three political forces in South Vietnam. Our political proposal, whose structure closely follows your own in this regard, would reflect this principle. Furthermore, it meets your other fundamental point that there be a tripartite body that can serve as mediator and advisor to the two sides and which can contribute to the implementation of the signed agreements. We accept the essence of your September 26 position in this regard. It is truly a very major concession.

[Mr. Phuong repeats the translation for Xuan Thuy.]

Dr. Kissinger: Mr. Engel has his own ideas on how to settle the war and I am never sure what he presents. I am glad your interpreter is here to watch him. Has the Minister understood what I have said?

Xuan Thuy: I understand.

Dr. Kissinger: Good.

Specifically, we have specified the composition, selection and chairmanship of the tripartite body along the lines of your own proposal. That is to say, we have accepted the 12-membership composition and the other features of its operation. We have expanded, elaborated and specified the functions of this body, incorporating many of the elements of your plan. We have spelled out the functions of the existing authorities, again along the lines of your proposal. We have defined precisely the democratic liberties that are to be respected and guaranteed

throughout the political process, and our views parallel yours in many important respects. We have accepted the concept of the Committee drafting electoral procedures and supervising them for the free and democratic election. So I think we are very close on the functions and composition of the tripartite body.

At the same time the Special Advisor emphasized last time that we must talk clearly to one another, that we cannot fool one another with stratagems. In this context there is no avoiding the issue that we continue to call the tripartite body a committee while you call it a government.

We think it is misleading to call this body a government for two reasons.

First, its functions are not really governmental in nature. Secondly, it is temporary in character. If you cannot accept the term “committee,” we are willing to consider the term “commission” or any other concrete proposal you might have, other than “government.”

(Winston Lord speaks privately to Dr. Kissinger.)

Dr. Kissinger: My associate is concerned that I did not point out to you that we accept the principle of unanimity in consultation. I want to make clear that in the spirit of good will that characterizes us we have accepted that too.

Le Duc Tho: Yes, this principle is most liked by Mr. Special Advisor.

Dr. Kissinger: It has certain positive attributes.

Le Duc Tho: We put forward this principle with a view to avoiding neither party should dominate the other party.

Dr. Kissinger: I understood this and it has made it possible for us to go into much greater elaboration toward your view.

Thus we have adopted the principal points and the shape of your plan with respect to the nature and function of the central institutions. We still differ on the matter of what institutions the free and democratic elections that both of our proposals call for are supposed to be for. As you know, we have offered Presidential elections and you have rejected them. I understood that correctly, didn't I?

Le Duc Tho: That's right.

Dr. Kissinger: At our last meeting we tentatively suggested the addition of National Assembly elections. Now there is no sense in deluding you—your information about Saigon is too good for this anyway—on this aspect of our political proposal we have not yet succeeded in gaining Saigon's approval for an electoral formula, partly because the reciprocal security functions are so vague.

For the sake of completeness we have maintained the proposals for Presidential and National Assembly elections, in brackets, in our

plan. But I will not push the issue at this meeting. We have noted your proposal for a Constituent Assembly. At this point we believe that this would introduce too many confusing elements.

For the sake of making rapid progress, let me propose the following:

Now that we have made the very major concession of accepting the essential functions as well as the composition of what you call the Government of National Concord and we call the Committee of National Reconciliation, we should set aside the electoral process until all other issues are settled, in carrying out the Special Advisor's statement that if we are blocked in one area we shall go to another.

If we agree on the essential element of Point 4, that is to say, the central institutions, and settle all other issues, I shall then return immediately to Saigon to work out a proposal on the remainder of Point 4 which takes into account the views of 3 sides.

Of course, I don't want to keep the Special Advisor from accepting our original proposal for the Presidential elections. I still maintain that.

Le Duc Tho: Please go on. I shall answer you later.

Dr. Kissinger: Of that I am certain. Of that I am afraid. [Laughter] The cooperation of Saigon is important for two reasons: First, if we both genuinely want a rapid agreement we must remember that a public dispute would only paralyze the other forums and prevent us from meeting our deadline. I ask you to remember the experience of 1968.

Secondly, as I have told you, while we are prepared to use our maximum influence and while we have done so and will continue to do so, we will not impose a settlement by force on our allies. However, if we can settle all other issues satisfactorily, especially in the military field, I am reasonably confident that we can work out arrangements for a definitive process which would complete our work on Point 4. On this basis, in my view, I could bring back a solution here next week that should conclude a complete agreement between us.

Now let me turn to some other new features in our plan.

In Point 1, we have dropped many sentences that the Special Advisor objected to and have inserted the word "unity." This has been a major point of principle for you. We have now adopted it.

Le Duc Tho: Most reasonable.

Dr. Kissinger: Would you sign that if I wrote it down? It would be an historic event that the Special Advisor called something I said reasonable.

Le Duc Tho: I am prepared to do it.

Xuan Thuy: But this was already consecrated by the Geneva Agreements.

Dr. Kissinger: I should have quit while I was ahead. We'll strike the last exchange from the record. I want an unqualified approval.

In Point 2, we have reciprocated your concession of some weeks ago and once again shortened our withdrawal timetable to 75 days. We have once again shown our flexibility on this issue as you requested last time.

Le Duc Tho: The two sides are near to each other, but you have to agree on the period of troop withdrawal.

Dr. Kissinger: But I can prove to the Special Advisor that he now has to yield, because we have given him 45 days from our original proposal and he has given us only 15 days from his original proposal. So he owes us 30 days.

Le Duc Tho: Now we shall lengthen the period and you reduce it a little and we shall meet together.

Dr. Kissinger: I think we shall settle this issue. It will not be the most difficult issue between us. It is not an issue of principle.

In Point 5, we continue to maintain the principle but we will have specific elaborations to give you.

In Point 6, we recognize the provisional nature of the 17th parallel. This too has been stressed by you as important. I am talking about our points, not your points.

On reconstruction, we shall table a concrete unilateral undertaking as a unilateral United States undertaking attached to the agreement but not part of the agreement. I shall hand that to you at the end.

On Point 9, we have dropped our position that there be a single Indochina-wide ceasefire. Instead we stipulate that there be simultaneous ceasefires, and that they be brought into effect with the participation of all concerned parties. I shall explain to you how this can be done very rapidly.

Also in Point 9, we have accepted your basic approach regarding military aid and replacement; that is to say we accept an obligation of the South Vietnamese parties not to accept the introduction of troops, other military personnel, arms, and so on. At the same time we have added some other provisions, such as prohibiting the signatories of the overall agreement from introducing men, materials and supplies into the countries of Indochina. This imposes an obligation of restraint on us and takes care of our concern regarding your base areas in Laos and Cambodia. We still believe that it is inconsistent with equal security to permit the unrestrained importation of war materials into any part of Indochina. But we respect your position regarding your sovereignty. As a compromise and as a sign of our good will, we shall deal with this issue by a unilateral statement about how we shall define replacements, which I shall give to you.

In Point 10, on international supervision and guarantee we agree to your proposal that there be four members, or two chosen by each side but acceptable to each other. But we will give you a paper. The Chairman will be nominated by the Secretary General of the United Nations but with the approval of the four members.

Le Duc Tho: The Chairman will be chosen among the four members.

Dr. Kissinger: No, the Chairman will be nominated by the Secretary General of the United Nations but unanimously approved by the four members that have been chosen.

Le Duc Tho: There will be five men.

Dr. Kissinger: Five men, so that they can operate by the principle of majority rule.

Le Duc Tho: So then the Commission will operate within the principle of majority. But in South Vietnam it operates on the principle of unanimity.

Dr. Kissinger: Exactly.

Le Duc Tho: That should be illogical.

Dr. Kissinger: Well, the principle of unanimity is not a universal law of nature. We are not protecting the rights of the minority members of the Commission.

Le Duc Tho: Please go on. I shall answer you later.

Dr. Kissinger: I was certain he had seen the document which I handed him.

Le Duc Tho: It would be difficult to have seen it.

Dr. Kissinger: Constant disillusionment. We have prepared a new paper on the details of the operation of the Commission as well as on the operation of the international guarantee, which I will submit to you with the proposal.

Now let me turn to the military issues, which in the light of the procedure I have outlined and the difficulties we face, take on a particular urgency.

Under your approach there would be no effective limits on your reinforcements or on your military operations anywhere in Indochina except in the very narrow strips of South Vietnam that your forces now control. You could supply your base areas and the war in surrounding countries would go on, while we withdrew all our troops and stopped all acts of force.

We therefore think it is essential not to hide behind legal formulae. We are looking for a practical way to achieve not only an early peace, but a lasting peace. We are looking for a settlement that will set the stage for free and democratic political competition, rather than a fragile facade that would lend itself to renewed hostilities, with all the advantages on one side.

With respect to the scope of this agreement, we therefore face four problems. First, the problem of ceasefire. Second, the presence of your forces in Laos and Cambodia. Third, the problem of infiltration through Laos and Cambodia into South Vietnam. Fourth the release of our prisoners in Laos and Cambodia. We acknowledge your point that we cannot solve the internal problems on behalf of Laos and Cambodia. But it is important that we are satisfied on these military issues, both in order to make an agreement that we can in good conscience strongly urge on our allies to sign.

Our new plan addresses the problem in a realistic fashion and in a way that should meet both sides' concerns. We are making the concession of not requiring one Indochina-wide ceasefire. We propose parallel negotiations and a resolution of the military problems in each of the Indochinese countries. These ceasefires and the accompanying military provisions—such as withdrawals, replacements, and international supervision—would each be negotiated by the concerned parties together with the signatories of these 10 Points and would all be implemented simultaneously.

This is not as complex in practice as it appears in theory. In Laos there are now talks going on between the Government and Pathet Laos representatives. Each of us should use our influence with our friends. As far as we are concerned, we will use our maximum influence to see to it that a solution of the military problems and the implementation of a ceasefire are brought about simultaneously with the overall agreement here in Paris. This will also establish the mechanisms to reassure us on the infiltration routes so that the infiltration points of paragraph 9 are met. Therefore, if you cooperate, Laos should not present a problem.

There are no talks currently going on in Cambodia. We believe that the most practical and rapid solution there would be for us both to use our good offices to get the local commanders together to arrange a series of local ceasefires. We think we can accomplish this on our side. If you will use your influence in a similar direction, the Cambodia situation should be resolved as well. If you have other proposals, we will study them carefully. If we can settle Laos, I'm sure we can find some mutually acceptable means for Cambodia.

To sum up this aspect of my presentation: I have expressed my views about the ceasefires. This arrangement will make it possible to establish control, international supervision, of the infiltration routes into South Vietnam and to make provisions for our prisoners in Laos and Cambodia. With respect to our prisoners, we are prepared to consider a unilateral statement on your behalf, made by you. With respect to the presence of your forces in Laos and Cambodia, we do not require a formal statement in the agreement. But we do require a unilateral statement by you or an acknowledgment by you of a unilat-

eral statement by us which sums up the views the Special Advisor expressed to me at our last session.

Now let me turn to the interpretation of Point 5, the Vietnamese forces in the South. We accept the present language that this problem should be solved by the Vietnamese parties themselves. At the same time, the presence of your forces in the South does present important practical problems. We understand the legal distinction you make between your forces and those of countries from outside Indochina. At the same time it is totally inequitable for you to keep your entire army in the South. Perhaps a solution can be found in your own statements. You assert that there are no regular forces from North Vietnam in the South, only regroupees that have gone from the South to the North, and volunteers from the North. Furthermore, you state that all these forces are under PRG control.

If it is indeed true that all North Vietnamese forces in the South are either regroupees or volunteers, then it stands to reason that your regular divisions and other regular units should be in North Vietnam—unless you have turned into a nation of pacifists. We therefore have proposed that after a ceasefire has been implemented the parties will exchange lists of the disposition of their forces in South Vietnam to facilitate the task of international supervision. To be specific, our understanding would be that any units introduced into the South during and since your offensive of last spring would not be listed at that time and would have returned to North Vietnam. We believe that this is a practical solution to the point at issue. It preserves your point of principle, it leaves some of your units in the South, and yet at the same time meets our own principle that any settlement cannot hand one side an overwhelming and unfair advantage. It requires no change in wording of Point 5 but a clear understanding between us.

[Thuy and Phuong confer at length.]

Dr. Kissinger: We will give you a list of our units also. None of the points that I have made require any change in the wording of the proposals that we have made, and many of them, as you will see, permit an improvement in the interpretation of these points in a direction favorable to you, or closer to your statements. But we have never had an opportunity to discuss the military issues in detail, because of the Special Advisor's aversion to that subject. And we have, however, spelled out the practices in order to give us a basis to complete the political point with South Vietnam.

Now let me make a few observations and then, on behalf of the President, give you a few unilateral assurances.

On September 27, the Special Advisor stated a series of North Vietnamese principles concerning a negotiated settlement. From our plan you will see that we have paid particular attention to his listing,

in a spirit of the mutual comprehension toward each other's position that we agree is needed for a negotiated settlement.

First, on the political questions. You said there must be a guarantee of the Vietnamese people's national fundamental right. Specifically, you stress the need for the word "unity" and the affirmation that Vietnam is one and the 17th parallel line is provisional. We have included the word "unity" in Point 1. And in Point 6, on reunification, we acknowledge the provisions of the 1954 Geneva Accords to the effect that "the military demarcation line at the 17th parallel is not a permanent political boundary." In addition, we retain our former language on reunification which, as you know, was originally taken from your own side's proposal of last summer.

Two, you said there should be a body with power and concrete tasks including the implementation of the military and political provisions of the signed agreement. We have greatly expanded the role of what we call the Committee of National Reconciliation, so that in effect it parallels those of your Government of National Concord, and we now assign to it many of the functions that you yourself propose in your own plan.

You said that elections should not be for President. As I have said, we will address this point after other issues have been settled.

You said there should be a detailed definition of what is meant by "democratic liberties." This, too, we do in our new proposal. Our definitions are drawn from your own document.

You said that the PRG and the GVN should undertake to implement the signed agreements on all military and political questions. We have specifically inserted this in our political point, in addition to the other obligations that we have assigned to the South Vietnamese parties which your plan had suggested.

Secondly, on military questions. We have gone far towards meeting your point on the continuation of military aid. I have stated our views on the rest of the military question and there is no point repeating it.

Thirdly, on the healing of war wounds. You said that the U.S. has a responsibility in this connection and that we should express concrete views. I have made it emphatically clear to you on many occasions that we will never sign a document alleging a U.S. responsibility for reparations. On the other hand, we have expressed our willingness to undertake a major reconstruction program for all of Indochina. We are still prepared to do this as a unilateral engagement, and are willing to put this undertaking in writing as a unilateral statement which I shall give to you.

In addition to our formal proposals, the President has asked me to give you the following unilateral assurances of the United States.

First, we are prepared to sign the final documents at the level of the Foreign Ministers.

Second, with respect to U.S. force deployments in the region. Within two months after the completion of total U.S. withdrawals from South Vietnam—or less than four months after an overall agreement—the U.S. will withdraw all reinforcements deployed at sea and in countries neighboring Indochina since the beginning of your offensive last spring. This means a reduction of over half of our forces in these categories. Third . . .

[Phuong explains to Xuan Thuy. Mr. Engel adds something in Vietnamese.]

Xuan Thuy: So it means two different withdrawals of U.S. forces? First withdrawal from South Vietnam.

Dr. Kissinger: All forces from South Vietnam.

Xuan Thuy: In 75 days.

Dr. Kissinger: Exactly.

Xuan Thuy: After the completion of such withdrawal, two months . . .

Dr. Kissinger: All the reinforcements that were sent there.

Xuan Thuy: It means that within 75 days U.S. forces, for instance, in the South China Sea are not withdrawn yet. I am asking for clarification.

Dr. Kissinger: That's right, but according to the agreement we have no obligation to withdraw any of these forces. We are doing that voluntarily.

Xuan Thuy: But these forces are at present in the territorial waters of Vietnam. So why do they wait?

Dr. Kissinger: Well, they won't be in the territorial waters; that's only 12 miles at most. [Laughter]

Xuan Thuy: But our territorial waters is much larger than 12, because 12 is within the range of your cannons, your guns.

Dr. Kissinger: Well, maybe your strategic waters. We only claim three miles; you claim 12 miles. We could compromise on 8 miles. [Laughter]

Le Duc Tho: Our territorial waters is 300 miles.

Dr. Kissinger: Mr. Lord points out that I have made a unilateral concession, that it's only 7 and a half miles as a compromise. But we have undertaken not to use any acts of force against Vietnam starting on the day agreements are signed. And I have one other assurance which I would like to convey to you, unless you are not interested.

Le Duc Tho: And at the same time you should withdraw these forces from the territorial waters of Vietnam.

Dr. Kissinger: Well if we settle everything else, I think we can negotiate this. The Special Advisor is great at negotiating U.S. unilateral assurances that he hadn't even requested.

Le Duc Tho: No, this question has been raised by our side because we require the withdrawal of all U.S. air force, naval forces and ground forces from the U.S.

Dr. Kissinger: Well, from Vietnam. We cannot as a matter of principle accept restrictions on the deployment of our other forces that are not in your territory.

Le Duc Tho: Out of the territory of Vietnam but also out of the territorial waters of Vietnam which is hundreds of miles. You can deploy your forces in international waters.

Dr. Kissinger: Well we have never accepted the 300 miles limit from any country. And we are now talking about U.S. assurances. But the specific deployment of specific carriers is not the most vital issue. I transmitted this proposal from the President as a sign of our good will, not to start a long debate. This will not be the ultimate issue between us.

Le Duc Tho: What about the reparations?

Dr. Kissinger: I am giving you a statement. May I complete . . . I have one more assurance but the Special Advisor seems not interested in receiving it. You have rejected many things I have proposed but never before I have proposed it. [Laughter] Besides, it's a really novel method of negotiating when the Special Advisor bargains without reciprocity on unilateral American assurances. But when we give our joint course at Harvard on international affairs he will introduce that subject.

Le Duc Tho: It is natural that since the U.S. has come to Vietnam and now the U.S. will withdraw from Vietnam, it has to make many assurances and guarantees. As for Vietnam, we have done nothing to require reciprocity from our side.

Dr. Kissinger: I know this is part of the Special Advisor's speech that I will get later, so I will reserve statement.

Le Duc Tho: Naturally in negotiation there is reciprocity.

Dr. Kissinger: And I think the Minister has been unusually restrained in recent sessions and we'll hear from him too.

Xuan Thuy: At the last session at Kleber Street I merely read my prepared statement.

Dr. Kissinger: I noted it, Mr. Minister, and Ambassador Porter's blood pressure is much lower this week. The reason, Mr. Special Advisor, why the Foreign Ministers have to sign the agreement is because I don't think the Minister or the Ambassador could ever agree on who signs first. They'd have a public argument.

Le Duc Tho: It is just like the discussion about the shape of the table.

Dr. Kissinger: That's right, that's right.

Xuan Thuy: I agree and we agree that the Foreign Ministers should sign the agreements.

Dr. Kissinger: The Minister has driven four of our negotiators to medical treatment and one to marrying a younger woman. And we are not sure that he won't require medical treatment.

Xuan Thuy: Please finish.

Dr. Kissinger: You want me to finish?

Le Duc Tho: Yes.

Dr. Kissinger: All right. Third, concerning U.S. bombing and other acts of force in North Vietnam. The U.S. will stop all bombing and other acts of force north of the 20th parallel on the day when we sign this basic agreement on principles. We are ready to repeat this assurance to other countries, and even before an overall agreement is signed.

Mr. Special Advisor, Mr. Minister, we will dedicate ourselves during the next few days and weeks to reaching an overall settlement of this long conflict. During this set of meetings, let us reach a concrete agreement on all points except one aspect of Point 4. We have a clear understanding that all these points are interrelated and no problem is solved until all are solved.

If we can accomplish this, then at our next meetings we should be able to reach a final agreement between us. Peace in Indochina will be in our grasp. The peoples on both sides would take up the tasks of peace and reconciliation, and we could embark on a new era of relationships between our two countries.

Now let me hand you the proposal and then sum up the statements. I want to explain one thing about the proposal. On page 5 we have put points (e) through (i) in brackets, not to keep you from accepting them but to tell you that if everything else is settled we will be prepared to reconsider them and to discuss in Saigon what else is possible. They are points you have already seen. And if you've been persuaded by my eloquence, I don't want to keep you from accepting the entire document. [Hands over U.S. "Proposal," Tab A] Here is our unilateral statement on reconstruction. [Hands over "United States Unilateral Statement on Reconstruction," Tab B] Here is our unilateral statement on replacements. [Hands over "United States Unilateral Statement on Replacement of Armaments," Tab C]

Le Duc Tho: Too many papers.

Dr. Kissinger: I should put it face down and let him guess.

Here is a U.S. unilateral statement of our interpretation of what you said about withdrawal of your forces from Laos and Cambodia.

[Hands over “United States Unilateral Statement on Withdrawal of DRV Forces from Laos and Cambodia,” Tab D] Although we prefer to have it made as a statement from you, and this is the version for that. [Hands over “DRV Unilateral Statement on Withdrawal from Laos and Cambodia,” Tab E] And here is a unilateral statement you might consider making on prisoners. [Hands over “DRV Unilateral Statement on Prisoners,” Tab F] You will probably want to read it for five minutes before accepting it.

Le Duc Tho: If we read it for five minutes and could accept it, it is all the better.

Dr. Kissinger: I agree.

Xuan Thuy: We wanted to but since your language is too complicated, it would take more than five minutes.

Dr. Kissinger: I have one other paper, on international control and supervision. [Hands over U.S. paper “International Control and Supervision,” Tab G]

Le Duc Tho: I propose now a break and afterward I shall express my views.

Dr. Kissinger: And maybe give me some of the papers from your green folder. If I may say so, Mr. Special Advisor, there has been a curious change of values. I notice that we arrive with red folders and you arrive with green folders.

Le Duc Tho: So we show that we come here with a desire for peace. Red is the color of fire and of war.

Dr. Kissinger: And we with a desire for understanding. It’s your color. I agree to the break.

[The meeting broke for lunch at 12:38 p.m. At 1:00 p.m. Le Duc Tho reentered the room and engaged in informal conversation around the snack table with Dr. Kissinger, part of which follows.]

Dr. Kissinger: It is a very serious problem. We cannot make such a global political statement for South Vietnam and a ceasefire in which there is no guarantee or supervision in other countries, no control over what comes through the Ho Chi Minh Trail. That is a practical impossibility. If we can get concrete assurances I think we can settle very quickly, and if you keep your agreements there is nothing to be concerned about anyway.

Le Duc Tho: Everything that has been signed is respected by our side, but your side . . .

Dr. Kissinger: We are willing to accept controls over seaports.

Le Duc Tho: But if controls should be maintained for your side, then your movement of ships and planes should be carried out.

Dr. Kissinger: We are willing to accept controls over what we send to South Vietnam. You can have supervision at airports and seaports.

We are prepared to do this. There has to be some provision for Laos and Cambodia.

Le Duc Tho: You want to cut the Ho Chi Minh Trail!

Dr. Kissinger: You're right!

Le Duc Tho: When the war ends, some day I will show you the Ho Chi Minh Trail!

Dr. Kissinger: I want to see how those tanks got to An Loc.

Le Duc Tho: But you have mechanized means of transport. We are only a nation of handicraftsmen; we have only bicycles and our backs.

Dr. Kissinger: Seriously, we cannot go to Saigon on the political proposal without the security provisions.

[Le Duc Tho left for a few moments and returned to say that since the U.S. side had given them so many papers the North Vietnamese preferred to have a longer break and to resume the meeting at 4:00 p.m. Dr. Kissinger agreed. The U.S. side called for Colonel Guay and left for a drive in the country. After a walk around a nearby lake, the group returned to the meeting place at 4:00 p.m.]

Le Duc Tho: This morning we have carefully listened to your presentation. Regarding the political questions we remarked that you have raised a number of points which are nearer to our views, but for a certain number of other points there are still differences. But regarding the military questions you have raised a number of new points, regarding the military questions regarding the international control and supervision and regarding the problems concerning Indochinese countries, that before you did not raise; therefore the stands, the positions, of the two parties still contain many points far apart.

During our last few private meetings, particularly on the meetings of September 26 and September 27 we have put forward a number of proposals, very important proposals; we have also raised our standing on questions of principles on which we can no longer make concessions. Therefore we have shown our good will and desire of rapidly ending the war and restoring peace in Vietnam.

During the last few meetings you have also said that you really want a rapid settlement of the Vietnam problem. We have also agreed on a working schedule so as to put an end to the war in this month of October, or the sooner the better. But through the questions you raised today I am afraid that it would be difficult for us to progress rapidly and to realize the schedule we have agreed to. Therefore, in order to realize the schedule, we have agreed upon and rapidly put an end to the war, I think we cannot negotiate in the way we are doing now.

If we adopt the way we are doing now, first we have to agree on the questions of principle, on the way to implement these questions,

on the language to formulate these questions, and afterward we have to refer them to the two-party forum and the four-party forum at Kleber Street, and those forums have to agree on the questions and on the way to implement them. If we adopt this method, I don't know how long it will take to come to agreement and to end the war, to restore peace. Mr. Special Advisor, you yourself said that if now we discuss the technical questions of the military problems, the question of ceasefire, at the forum of Avenue Kleber, it would take many weeks to come to agreement. And if the two South Vietnamese parties will engage the discussions on the formation of a three-segment Government of National Concord, and discussion on the third segment of this government as we propose or of the Committee for National Reconciliation as you propose, it will take a long time for these discussions, many weeks.

Dr. Kissinger: That's what I have been trying to tell the Special Advisor for two months.

Le Duc Tho: And I have not mentioned that our points of view regarding the settlement of the internal political problems of South Vietnam are still greatly different. So this way of doing is very complicated, and certainly we can't realize the working schedule we have agreed upon.

In order to show our good will and to insure a rapid end to the war, rapid restoration of peace in Vietnam, as all of us wish for, today we put forward a new proposal regarding the content as well as the way to conduct negotiations, a very realistic and very simple proposal, as follows.

First, on the basis of our 10 Points and on the basis of your 10 Points, the Democratic Republic of Vietnam and the United States will agree on and sign an agreement on ending the war and restoring peace in Vietnam as you have once proposed. This agreement is aimed at the settling of the military questions, such as the question of U.S. troop withdrawal, the question of handing over captured people of the parties during the war, the question of the ceasefire under international control and supervision in Vietnam, including the question of U.S. responsibility to heal the war wounds and to rehabilitate the economy of Vietnam. As to the political and military questions of South Vietnam, we shall only agree on the main principles. After the signing of this agreement a ceasefire will immediately take place.

Beside this agreement we shall sign another document recording the agreements regarding the exercise of the South Vietnamese people's right to self-determination, including the principles of the details of the political problems of South Vietnam and the principles of the settlement on the question of Vietnamese armed forces in South Vietnam that we have agreed in this forum. This document will be referred to the two South Vietnamese parties for discussion and for implementa-

tion after the ceasefire. This document will be referred to the two South Vietnamese parties for discussion and implementation after the ceasefire.

Third, after the ceasefire the forum between the PRG and the Republic . . . the Saigon Administration will be opened for discussion of the internal military and political problems of South Vietnam on the basis of the document we have agreed upon here and we have referred to the two parties, for a rapidly reached agreement between the two parties three months after the ceasefire at the latest.

Beside the forum of the two South Vietnamese parties, after the ceasefire the three-party forum and the four-party forum will also develop their activities for the continuation of the remaining work. Of course, after we have agreed upon, the Democratic Republic of Vietnam and the United States will continue to meet each other to settle the remaining questions, the outstanding questions between the two parties and to remove the difficulties and the hindrances arising in the other forums.

If we negotiate in the way I have described then a settlement can be rapidly and expeditiously reached. Therefore, the present negotiations between us with a view to signing an agreement between the DRV and the U.S. is decisive for the early ending of the war and early restoration of peace in Vietnam and to create the conditions for rapidly ending the war in Laos and in Cambodia.

On the basis of our 10 Points and on the basis of your 10 Points, we have drafted an agreement to be used for the basis for discussion of the two parties and to achieve agreement in the three or four forthcoming days. We should complete our work so that we may sign this agreement and have a ceasefire to end the war by mid-October, 1972, at the latest.

When we put forward this new proposal we do not let the political problem of South Vietnam, that is the most thorny, the most difficult problem, to drag out, to prolong our negotiations; and we should aim at rapidly ending the war responding to the aspiration for peace of our two peoples. At the same time we have taken into account the questions on which you have shown the greatest concern. Last time Mr. Special Advisor said that there was a danger, the greatest danger for you in the U.S. election, this danger comes from the part of your supporters who would denounce you to have betrayed your ally.

Dr. Kissinger: May I ask a question? Will we be given a document? Eventually? I don't need it now, but then I don't have to write everything down.

Le Duc Tho: Afterward.

Dr. Kissinger: That's fine; then I don't have to write everything down; then I can listen.

Le Duc Tho: The draft agreement, we will hand you the draft agreement.

Dr. Kissinger: At the end.

Le Duc Tho: In this new proposal we do not demand the formation of a Government of National Concord before the ceasefire, but we will let the two South Vietnamese do this work, three months after the ceasefire at the latest. And this is what you yourself have proposed, the same proposal. We are prepared to open the forum of the two South Vietnamese parties immediately after the ceasefire without placing any condition, and therefore the timing of the resignation of Nguyen Van Thieu is now different from what it was before.

Dr. Kissinger: I understand.

Le Duc Tho: We have responded to what you have considered to be most difficult for you to reach an agreement acceptable to you, aimed at rapidly ending the U.S. involvement in Vietnam and the prompt return of American servicemen including those people captured during the Vietnam war and their early repatriation. This is one of our great efforts aimed at rapidly ending the war and restoring peace in Vietnam beneficial to both parties.

Last time you said that President Nixon proposed that you would go to Hanoi and meet our leadership. We don't know whether you still maintain your intention.

Dr. Kissinger: Are you asking me?

Le Duc Tho: I am asking.

Dr. Kissinger: If we can be certain that on this occasion we reach a final agreement, which is also what the Special Advisor said, then I am prepared to go to Hanoi. I agree with what the Special Advisor said last time, if the outcome is uncertain then it would not be an advantage to either side for me to go. Therefore if we are very close to an agreement I would be prepared to go. That's precisely what the Special Advisor said to me last time.

Le Duc Tho: Today I would like to let you know that on the basis of the agreement that we might reach in the two or three coming days, if we can reach agreement in the two or three coming days, then we are prepared to receive you in Hanoi a few days after these meetings so that we can together complete the peaceful settlement of the Vietnam problem. And we shall discuss the future relations between our two countries and on questions of mutual concern, And on that occasion the two parties will sign in Hanoi an agreement on ending the war and restoring peace in Vietnam. This is a very significant event. And we are of the view that the complete cessation of bombing and the mining of Vietnam is propitious circumstances for Mr. Kissinger to visit Hanoi. And I think that if in two or three coming days we can

reach agreement here, then it will be time for the U.S. to stop the bombing and mining of North Vietnam, and the whole of Vietnam, and not north of the 20th parallel as you said this morning. And if you visit to Hanoi and the signing of such an agreement will mark a very important change in the relationship between the DRV and the U.S., and it is a matter of fact that if we can't agree then the question of your visit to Hanoi will not arise.

Dr. Kissinger: If I can't agree to what?

Le Duc Tho: If we cannot agree here.

Dr. Kissinger: That's true. I agree with you.

Le Duc Tho: Our present meetings are of the utmost importance. It will mark the turning point of the whole of our negotiation on the Vietnam problem. This is our last effort in the negotiations that have lasted four years now in order to bring about peace in Vietnam. And I think also it is the best opportunity for you to seek a correct solution to the Vietnam problem. If in the two or three days we can reach basic agreement, then this is a very important historical event for our two peoples. If in the two or three coming days it is impossible for us to come to an agreement, then our negotiations will fall into a deadlock and the war will continue, and you will bear the entire responsibility for such a situation.

The situation in the Pacific is changing considerably. The position of the U.S. in this area is not as it was before. It is because of the Vietnam war, which until now the U.S. is still unwilling to settle. In our view if the U.S. prolongs the Vietnam war, it will be more difficult for you. The Vietnam problem cannot be settled through military means. The experience we have had over the past 10 years have testified to my assertion. As far as we are concerned, we have been fighting for the past 25 years. If President Nixon will be reelected and if he continues the war, then we will resolutely fight on for four more years until we achieve our objectives. Our people cannot be subdued and we will never surrender. Throughout our history the word surrender does not appear in our language.

But I think we should not let this circumstance happen, such condition happen. We shall do our best to reach a settlement and I think you should do the same. Then in such a way, only in such a way, can our negotiation come to good results. The war will be ended, peace will be restored, and such a day will be a day of festivity for our two peoples.

Now, please let me present the content of the draft of the agreement on ending the war and restoring peace in Vietnam. This draft agreement has taken as a basis our 10 Points and your 10 Points to be worked out. We have taken into account the position of both parties, in an

effort to come nearer to each other and to reach a settlement. Today I will speak about the points, the content, in our draft agreement and about the questions you have raised this morning and on which there are still differences between our stands.

Our remarks here are still preliminary; we shall continue to give comment on the forthcoming days.

First, Point 1, regarding the Vietnamese people's fundamental national rights. So our proposal and your proposal have come to agreement on that point. But in your draft this morning there is a sentence, you said that "Once overall agreement is fulfilled the U.S. has no intention to continue its military involvement or to intervene in the internal affairs of Vietnam." I think after the signing of an agreement the U.S. should completely end its involvement, and not "have no intention."

Second, regarding the internal political problem of South Vietnam. First, I will speak about the general elections. You propose Presidential election; we propose election to a constituent assembly. Now we propose to mention one sentence to be agreeable to both sides: "The people of South Vietnam shall decide themselves their political system through genuinely free and democratic general elections under international supervision." And afterward the two South Vietnamese parties will discuss with each other.

Dr. Kissinger: I understand that point. But the Special Advisor skipped Points 2 and 3. Will he return to this?

Le Duc Tho: I shall come to that later.

Dr. Kissinger: You will come to that later. Thank you, excuse me.

Le Duc Tho: I shall speak about the point in our draft agreement in the order we have worked out, but it is the same content as our 10 Points.

Dr. Kissinger: That's fine.

Le Duc Tho: Now, regarding the principle of the formation of a three-segment administration in South Vietnam. We have proposed the formation of a Government of National Concord; you have proposed the formation of a Committee for National Reconciliation. I think if we can agree on the authority, the task, the prerogative of this body then we can agree on finding a name for this body. So in this spirit we propose to call this general body, this body of power, we shall call it the "Administration of National Concord," and we shall no longer call it the Government of National Concord. At the central level it will be called Central Administration of National Concord. At the various levels we shall call it Administration of National Concord—provincial level, district level, city level, village level. So it is a compromise between your views and our views regarding the call of this body.

Now regarding the authority of this body . . .

Dr. Kissinger: When does this body begin functioning?

Le Duc Tho: So this body will be formed after agreement is reached by the two South Vietnamese parties, and after the agreement this body will begin functioning within three months after the ceasefire.

Dr. Kissinger: I understand.

Le Duc Tho: But the sooner the better.

Dr. Kissinger: Of course.

Le Duc Tho: Two months is better.

Dr. Kissinger: Of course. I just wanted to understand.

Le Duc Tho: As I told you the other day, in reality at present there are in South Vietnam two administrations, two armies, three political forces. To avoid conflict between the two parties and to strictly implement the military and political provisions of the agreement of ending the war, there should be a body, an organ of power in between to see to it, direct, to supervise the implementation of the signed agreement between the two parties and to settle conflict arising between the parties. Moreover, this body will operate in accordance with the principle of consultation and unanimity. Neither side will coerce the other side. But in your proposal you only speak about the facilitation, to “facilitate” the implementation of the signed agreement, to “contribute” to the realization of national reconciliation. But it is not clear how to contribute, how to facilitate the realization of national reconciliation. Here we propose that the body should see to, to direct, to supervise, the implementation of the agreements. So the tasks here have been set more concretely, more clearly; the responsibilities, the authority of the body is more clearly defined.

As to the task of the Administration, you propose to review the laws so as to make them suitable to the conditions of peace. We, we propose that the task of the Administration should insure that the laws, the measures should be suitable to the new conditions of peace and should not contradict the people’s democratic liberties and in keeping with the spirit of national concord. If you say that the task of the body is to review the policy, the constitution and to make it suitable to the conditions of peace, then it is in too vague terms.

I would like to further elaborate on the task of the Administration of National Concord, to point out the differences between we and you. About the structure, in your proposal you say nothing about the organizational structure. You only mention about the composition, about 12 men in the central level. Last time you mentioned that the body will be organized down to the provincial level and the district level. Now you retract your proposal. As far as we are concerned, we want it down to the village level, because in our view the organizational

structure should come down to the district and village level, because of the real situation in South Vietnam. Because a district in Vietnam is composed of many villages. Many villages come under the control of the PRG; many other villages come under the control of the Republic of . . . the Saigon Administration. Even in a village there are many hamlets belonging to the PRG and other hamlets belonging to the Saigon Administration; let alone the contended areas. The situation is very complicated. Without an administration at the lowest level as I mentioned, it would be impossible to settle the contention between the two parties. It would be impossible too, to see to it that the agreement be implemented. And without that, conflicts may resume between the two parties.

Dr. Kissinger: I understand the Special Advisor's point. I just, for the record, want to say that the Special Advisor sometimes gets carried away by his optimism. I don't recall that I agreed to the functions of these committees, much less to their operation in the villages. Up to now we have spoken of these committees in the context of elections; this is a new dimension. But I will answer the Special Advisor in substance. It is simply when he refers to my statements I am afraid he might construe silence as agreement and use it again. I understand your point, Mr. Special Advisor, I am not debating your point.

Le Duc Tho: I expound our point of view on the organization of the structure that is different from your point of view.

Dr. Kissinger: That is fine, as long as we understand each other.

Le Duc Tho: When I am negotiating with you I am not optimist, but I have our principles and I expound these principles. Probably you are not too optimistic in your conversation with me. I wonder whether this is true. Both sides should make an effort then. Now let me speak about the military questions.

Regarding the military questions, Mr. Special Advisor proposed a period for troop withdrawal of 75 days. I think that we should come now to an agreement on the period for troop withdrawal. We propose now 60 days. So there are still 15 days difference. To come to an agreement, why don't we share these 15 days and prolong it to 67 days?

Dr. Kissinger: You see, the Special Advisor thinks like me. I was going to propose 67 and a half days. We won't let the Minister comment; he'll get it all confused again. Is this your proposal, 67 days?

Le Duc Tho: 60 days. So at the utmost if we can come to agreement you will propose 67 days.

Dr. Kissinger: You will accept that?

Le Duc Tho: A few days for us have no importance.

Dr. Kissinger: Well, this issue will now get settled, Mr. Special Advisor. We shouldn't spend time on it.

Le Duc Tho: Seven days sooner or later make no difference for us. You have been remaining there for nearly 10 years now and we are still strong enough to cope with you. So seven days mean nothing. So the period for the withdrawal of U.S. forces from South Vietnam, so in your proposal regarding the withdrawal of U.S. forces from South Vietnam, you said that exception should be made for the Americans with the normal function of military attaches. What do you mean by that function? I think that if they are military they should be withdrawn, all of them. In the draft agreement we have mentioned in detail about the withdrawal of advisors for pacification work, advisors for the police service of the Republic of Vietnam, and all civilian personnel serving the Vietnam war. You call it civilian personnel but in fact they are military. So all these military personnel should be withdrawn.

The second question is the military aid to South Vietnam, to the two South Vietnamese parties. We have expressed our point of view many times already. In our view we think that you affirm that you no longer want military involvement in Vietnam, but you insist on continuing to give military aid to South Vietnam, so your involvement essentially cannot be ended, and practically the war will go on. But in your Point 9 you said that the parties should not introduce war materials, arms, military personnel, ammunitions into South Vietnam. If you say so, why do you insist on giving military aid to South Vietnam? Therefore, we propose now that neither party should give military aid to the South Vietnamese parties, should not introduce war materials, ammunition, personnel into South Vietnam, neither the PRG nor the Saigon Administration. I think this is a fair proposal and I don't know why Mr. Special Advisor stuck to your proposal.

Dr. Kissinger: Which proposal is he talking about?

Le Duc Tho: Your proposal on military aid to South Vietnam.

Dr. Kissinger: In Point 2. I understand.

Le Duc Tho: Now regarding the replacement of armaments. We propose a replacement of armaments on the principle of equality. It is fair. In proposing this we have taken into account your views on this question; that means that armaments may be replaced on the principle of equality. But we propose to let the South Vietnamese parties to agree on that question of replacement. Therefore we propose that the two South Vietnamese parties will discuss and agree on the periodic replacement of armaments and munitions, in an intention to avoid the sentence, the language, we have not agreed with each other. This shows our good will.

Now regarding the question of handing over captured and detained people of the parties. In your proposal you still maintain the denomination of "innocent civilians." We, we propose "captured

people, both military men and civilians.” So the denomination we propose is more specific, more accurate.

Regarding the controlling and supervision of the release of prisoners, in our view there is a four-party joint commission for this purpose. Moreover, there is the supervision and control of the international commission. Therefore in our view the participation of the International Red Cross in this task is not necessary.

Now regarding the question of cessation of hostilities. Among other things there is the question of ceasefire in South Vietnam. In our draft agreement we propose that as soon as the ceasefire becomes effective the U.S. forces and those of other foreign countries allied to the United States and the Republic of Vietnam shall remain in place pending implementation of the plan for troop withdrawal. Second, the armed forces of the two South Vietnamese parties shall remain in place in the regions respectively controlled by them. For the supervision of the ceasefire, I think that besides the International Commission for Control and Supervision, the parties concerned should set up a four-party joint commission and a two-party joint commission for the task of supervising and controlling the ceasefire.

Now for the beginning of the ceasefire. In our new proposal we proposed ceasefire, release of prisoners, withdrawal of troops, all of this.

Dr. Kissinger: No guarantee?

Le Duc Tho: There will be guarantee. And we shall decide on a number of principles. There will be international supervision and control. And there is also control and supervision of the four-party joint commission and the two-party joint commission. But we both, we should come to agreement so that the ceasefire may be observed immediately. Afterward we shall go into the discussion of the concrete regulations. We have done the same way of the Geneva Conference of 1954 and the Geneva Conference of 1962, because there are many complicated questions. If we engage in discussions on these questions, as you said it will take months to come to agreement. But after the ceasefire, these questions may be promptly settled. Because we shall base on reality at this point to decide the modalities. If you, as you say, want to rapidly end the war and to realize the working schedule we have agreed to, how can we go immediately into the details of these questions? We shall go immediately into the ceasefire and discuss these modalities. Probably you have done the same way in Egypt and other places.

Dr. Kissinger: We have, unfortunately, not fought the Egyptians. They would settle much more quickly than you. Their endurance is six days, not 25 years. [Laughter]

Le Duc Tho: So our proposal has shown our good will, our real desire to rapidly end the war. And it is the same proposal made by President Nixon himself—ceasefire, release of prisoners, and troop withdrawal. So in our new proposal we have responded to your proposal, in part.

Now regarding the question of Vietnamese armed forces in South Vietnam. Regarding the so-called withdrawal of North Vietnamese troops, we have repeatedly expounded our point of view to you. We have expressed our views on that question over the four years of our negotiations. It is not the first time that we have said this. If this question is posed, as I told you last time, this question cannot be settled. So your proposal on the withdrawal of North Vietnamese troops is utterly unacceptable. We propose the following provisions. We propose the following formulation: "The question of Vietnamese armed forces in South Vietnam will be settled by the South Vietnamese parties themselves in a spirit of equality and mutual respect, in keeping with the post-war situation and with a view to lessening the people's contributions." We have proposed such a formulation; you have proposed the same too. If an agreement should be reached between us, we propose to record this principle: "The South Vietnamese parties will discuss and settle this question."

Now regarding the question of healing the war wounds and rehabilitating the economy in Vietnam, we agree to recording one sentence in the agreement. We propose the following sentence: "The U.S. Government assumes the responsibility to contribute to the healing of the war wounds and the rehabilitation of the damaged, devastated economy of North and South Vietnam, without condition attached and without repayment." The parties concerned will discuss the implementation of this provision. Besides, we may sign a protocol on this question. As to the details, we shall discuss this question. But until today, last time, you promised to have a concrete proposal on that question and to propose a specific sum. But so far you have made no mention about that. Probably you have it in your papers but you are unwilling to reveal it!

Regarding the international commissions of control and the international guarantee, there are still many differences between our views and yours on the tasks of the international commission. Let me speak on the composition of the international commission. We proposed five members: India, Poland, Canada and two other countries, each party would propose one. You disagreed to that. We proposed each party would propose two countries. You considered that possibility as a positive one. Now you propose the representative of the United Nations. So from a proposal that was positive you propose a negative proposal.

Dr. Kissinger: I consider it positive; you consider it negative.

Le Duc Tho: So there is a difference in our view. In our view each side will propose two countries. We propose two countries; you propose two countries. It is fair. If now we have another member it will be difficult for discussion. And I think that the activities of the international commission should also be based on the principles of unanimity and consultation. We have done the same way in the 1954 and 1962 Geneva Conferences. And the members of the international commission will in turn act as chairman of the commission.

As to the tasks of the international commission, we maintain our views as previously. The task of the international commission is to control part of Point 4 in our previous 10 Point proposal. That is, it will supervise the general elections and materialization of democratic liberties in South Vietnam.

As to Point 5, regarding the control of armed forces of the two parties in South Vietnam, I think in this connection the international commission will carry out its task when requested to by the two South Vietnamese parties. Because the control of the international commission in these questions is tantamount to interference in the internal affairs of South Vietnam.

Dr. Kissinger: You are talking about Point 5 now?

Le Duc Tho: Point 5. Regarding the composition of the international commission, we propose each party will propose two members. The norms to choose the members should be the countries who have not participated in the Indochina war, who have not sent troops to this war, who have not let their territory to be used as military bases or logistical bases in this war. Therefore, we think Australia and Indonesia do not meet the norms.

Dr. Kissinger: What did Indonesia do?

Le Duc Tho: [pause] It has not directly participated in the Vietnam war but everyone knows the attitude of Indonesia toward this war. So to replace India it is not adequate.

Dr. Kissinger: You are talking now about the commission, not the conference.

Le Duc Tho: I am speaking now about the international commission of control. The international commission has nothing to do with the international guarantee. Because the international commission will be set up in agreement by the parties to the Paris conference. It is not set up by the international conference for international guarantee which set the guarantee.

Dr. Kissinger: That's your proposal; that has not been settled.

Le Duc Tho: It is our proposal. As to the period of activity of the international commission, we have clearly defined in the draft agreement.

Dr. Kissinger: Until there is a definitive government.

Le Duc Tho: Yes, it is our intention. In regard to the international guarantee: As I told you repeatedly, the conference on international guarantee will not guarantee the ceasefire because the ceasefire comes under the competence of the Vietnamese parties.

Dr. Kissinger: [Speaking of the cook after having been offered a cup of tea.] He is the most agreeable Vietnamese of the whole group. I have never given him any difficulty. I do everything he wants me to do. Please.

Le Duc Tho: As to the guaranteeing powers, we do not agree to your proposal on the guarantee by Japan, South Korea, and Thailand. But I think that the question of international guarantee should be discussed after the ceasefire. What we have to discuss now would be the question of ceasefire, and release of prisoners under international control and supervision, the question of reparations. As to the internal political and military questions of South Vietnam we agree on principles and the South Vietnamese parties will discuss. So the international guarantee we should leave it until later. It is not a pressing question. Maybe after the ceasefire we can talk about this question once or twice and we can come to agreement. We do this with a view to reducing the thorny questions. So our aim is to do what you proposed previously: ceasefire and cessation of hostilities, troop withdrawal, release of prisoners. But the question of your responsibility to heal the wounds of war because once the hostilities have stopped, you are to assume the responsibility.

Finally let me speak about the question of Laos and Cambodia. I have expounded our views on that question many times already throughout our meetings. You in your proposal mentioned many things throughout Indochina: the question of international control and supervision throughout Indochina, the question of international guarantee throughout Indochina, the question of troop withdrawal and ceasefire throughout Indochina. We have expressed very many times our negotiations here deal with Vietnam. We can't discuss the sovereignties of the people of Laos and Cambodia. I have told you that once we settle the Vietnam problem, undoubtedly, certainly, the question of Laos and Cambodia will be settled and end the war. There is no reason that once the war in Vietnam has ceased the war in Laos and Cambodia will continue. I can tell you that the end of the Vietnamese war will create a very great impact that will immediately, promptly, end the war in Laos and Cambodia. Maybe it is immediately after the end of the Vietnam war. But now you propose that we should record this provision in the agreement. It is contradictory to the principle of non-interference in these countries.

Dr. Kissinger: But so is the presence of your troops.

Le Duc Tho: Let me speak. But to take into account your view I am prepared to acknowledge what I have told you previously. The question of American prisoners, we do not agree to record it in the agreement but I am prepared to acknowledge what I said: We can assure you that this question will be settled because the number of American prisoners in these two countries are not too great. We can discuss this question with our friends over there.

We can assure you that when the war is ended the American prisoners will return to the States in the same tempo as the withdrawal of the U.S. forces. We have no interest in keeping them behind. Because the end of the war is important for our two peoples not for the immediate period, but for relations between our countries for a long term, long period to come. Only when we have such a desire to have in view not only our relation to the present period but a long time to come, this explains our intentions and our proposals. Because we will not deal with only two or three questions. Because in my view after we can sign the agreement and end the war we shall meet many times more, because we have many questions to discuss together. Therefore, in our agreement there is one paragraph dealing with the relations between the DRV and the U.S. You will see in the draft agreement.

I have completed the presentation of our new proposal. I have also pointed out points on which we still differ. I hope you will give careful study to our new proposal. We think that we both should make an effort so that in the two or three days to come we can come to an agreement. And a few days later after the agreement you will visit Hanoi and we shall discuss more important questions. And it is your proposal, and we met it with great good will, in order to end the war in accordance with the schedule we have agreed upon.

And I think once peace is restored the relationship between our two countries will turn a new page. Resolutely we shall follow this orientation. It depends on you now. What I have been telling you is with an open heart, frankly speaking. I think that both we and you should make an effort to come to an agreement, to sign an agreement, and to end the war that has lasted rather long. But in a few days to come whether the war can be ended or not, whether peace can be restored or not, American prisoners captured in the war can return to their country soon, depends on you. As far as we are concerned, we are ready. I have finished.

Now I hand to you the draft agreement. [He hands over paper "Agreement on Ending the War and Restoring Peace in Vietnam," at Tab H.] As to the text of the agreements reached between us that should be referred to the South Vietnamese parties, we will hand to you tomorrow. So they can read it, discuss it, and implement it the sooner the better but no later than three months.

So I propose that we should reach basic agreement on all questions in two or three days to come. So I propose this working procedure. I propose this. I have given you the draft agreement. Tomorrow you will express your general views on that and we shall discuss point by point to see which we agree to, on which we differ, and we shall concentrate our efforts on these questions. We have two or three days of work. We should finish the settlement. And if we cannot do that, as I told you, then the negotiation will fall in a deadlock. Because this new proposal is exactly what President Nixon has himself proposed: ceasefire, end of the war, release of the prisoners, and troop withdrawal. And we propose U.S. responsibility in healing the war wounds for both North and South Vietnam, and we propose a number of principles on political problems. You have also proposed this. And we shall leave to the South Vietnamese parties the settlement of these questions within three months.

So we have responded to your proposal. We have been discussing these questions for many months now. We should settle these questions within a few days. Otherwise the question is unsolvable, because finally we have responded to your proposal.

Dr. Kissinger: Mr. Special Advisor, Mr. Minister, I first of all want to say I share completely the sentiments you expressed at the end of your presentation. Our two countries must make peace and they must start a new relationship and they must pursue that relationship with the same energy and the same dedication with which we have been adversaries before. This is our solemn intention.

I of course have not had an opportunity to study your paper. From your presentation I believe that you have opened an important new chapter in our negotiations and one that could bring us to a rapid conclusion.

May I now propose the following. Can we take a brief break, maybe 15 minutes? I would then like to ask some clarifying questions—without expressing a comment. Then I suggest we meet tomorrow, perhaps a little later in the day, say at 1:00 or 1:30, so that we have the morning to work this paper over, because it is without question a very important document.

During our present break I will think about procedures for a bit and make some proposals to you about how we can bring it to a conclusion. But I believe you have at least shown us a way by which we might conclude an agreement this month, which is realistic, which was not clear before. And I am prepared to extend my stay here if necessary beyond Tuesday if this helps our progress. So with your agreement now if we could take a 15-minute break, then perhaps you could answer a few questions and then we meet again tomorrow.

Le Duc Tho: We resolutely will come to a settlement.

Dr. Kissinger: I agree with you. That is our intention.

[The meeting broke at 5:57 and resumed at 6:34 p.m.]

Dr. Kissinger: Now, I have often remarked that even in our most difficult encounters you have always maintained your dignity and your courtesy.

Now let me say a few words first about procedure and then about substance.

With regard to procedure. You have submitted here a very important and a very fundamental document. Since it is in the framework of our own proposals, it is of course one that I believe opens possibilities for a rapid settlement. These are preliminary comments; when we study it we may find aspects that are more complex. But if . . . I would like to make a realistic schedule with the Special Advisor. Ending the Vietnam war is an event of historical significance. And it cannot be done by one man who travels by Paris to Hanoi, who first settles something in Paris and then travels to Hanoi to sign the document. So I propose that we work the next two or three days, whatever time it requires, to develop a document which is satisfactory to the parties in this room. I must then take it back to Washington to discuss it with the President, and we now will have to expand the circle of people who have discussed it somewhat, at least to get legal opinions. Up to this point no one in Washington, not one senior official except the President, has seen any of the documents we have exchanged. But in the past—I have negotiated with many countries—when I agree with you it is very probable that this will be approved by the President, with perhaps minor points here and there. And I will stay here until we have a document that I know I can recommend—or until we know we cannot get such a document.

After we review this document in Washington I must then go to Saigon. This document says that the agreement is made with the approval of both our allies. And it is therefore essential that we have this approved. And it is all the more essential because there are here provisions about ceasefire and other matters that can only be implemented with the agreement of our allies.

Now, from Saigon I am prepared to come to Hanoi. I could go to Guam and then come back to Hanoi. I am told for technical reasons that it would be best if I did this by flying over China, and I am sure you can help us to obtain the right to overfly China. It depends whether we make it an open or a secret trip. If we make it an open trip, the way our planes usually go, it will be picked up by our radar. If we make it a secret trip I should fly over China. But we can work this out; we don't have to spend time on it now.

In Hanoi we can complete the agreement and settle the understandings that go with the agreement. I think the formal signature ought to

be some more neutral place, such as Paris. But we could initial it and settle it, so when I return from Hanoi to the U.S. we could simultaneously announce in Washington and Hanoi that an agreement has been reached and that it will be signed immediately, within a day, in Paris—if we can get the Minister and our Ambassador into the same room without an argument—or at any other level. I would be prepared to come back here; this is not a major matter. And we would have no objection to announcing that the final negotiations were completed in Hanoi. Now this process will take, in my view—where are we now, the 8th?—we should be able to complete it during the week of October 22. Assuming we come to an agreement here.

Le Duc Tho: 22nd of October?

Dr. Kissinger: During that week.

Le Duc Tho: To sign the agreement in Paris?

Dr. Kissinger: Everything, this document with all the changes I give you tomorrow—which you will accept!

Le Duc Tho: And after the signing, the ceasefire in that week.

Dr. Kissinger: The ceasefire goes into effect when the agreement is signed. Well, 24 hours later, we have to set a time. But it's your basic concept.

Le Duc Tho: But in the week of the 22nd of October.

Dr. Kissinger: If we reach agreement here. I may discover—I usually do—aspects that are too complex. But if we reach agreement here I would go back to Washington, then go to Saigon early next week, go to Saigon then to Guam, then to Hanoi the weekend after. I would be prepared, maybe October 25th, to sign—not this document, but whatever we agree on. And then the ceasefire goes into effect, if not immediately then almost immediately.

And if we are that close to an agreement then the issue of the bombing of North Vietnam will take on a different aspect.

Now let me come to a few general observations.

Le Duc Tho: If we come to an agreement and when you visit Hanoi, then the bombing should be stopped.

Dr. Kissinger: Well, we will certainly not bomb Hanoi while I am there!

Le Duc Tho: All over North Vietnam, because we have come to a basic agreement.

Dr. Kissinger: If we have almost come to a basic agreement it is certainly a proposition we will examine most carefully. It is not an unreasonable proposition. We would be within a week of a final agreement, and it is certainly something then that takes on a completely different aspect. Although we would not take the formal commitment

until the agreement is signed. This would have to be an understanding between us.

I would expect that when I am in Hanoi that we would finish every detail, that when I leave Hanoi the agreement would be completed. Otherwise there's no point in going.

Le Duc Tho: Right.

Dr. Kissinger: So that is the schedule that I now foresee. Now I would like to raise a number of realistic problems that you would perhaps like to consider overnight and we will discuss tomorrow.

First, with respect to Saigon. You can make any theoretical comment you wish about the degree of our influence in Saigon, but if we want to meet the schedule we have to cooperate in removing the real obstacles. You remember the experience of 1968. I can assure you that it is not possible for us to do everything that we want. And secondly, we must be able to recommend to the government in Saigon with a good conscience the measures we are urging.

Now the concerns which will, of course, exist in Saigon will be that the agreement permits you to build up in your base areas, that it has no restrictions on your traditional infiltration routes and permits you to continue military activities in neighboring countries, especially in Cambodia and Southern Laos. And therefore it would be essential for us to be able to find some assurances with regard to those problems.

Now the Special Advisor has already pointed out that there are negotiations going on in Laos at this moment. I think if you and I reach some understanding with respect to these, we can give them a very rapid impetus. I also thought I heard the Special Advisor say that upon the completion of a ceasefire between us, military operations would cease almost immediately in Cambodia.

Le Duc Tho: Immediately after the ending of hostilities in Vietnam, this event can push forward the settlement of the Laos question very rapidly.

Dr. Kissinger: I am talking about Cambodia now.

Le Duc Tho: After a settlement in Vietnam we believe—we are convinced—that the ending of the war in Vietnam—push forward the settlement in Cambodia and Laos very rapidly.

Dr. Kissinger: But there are two questions: One is the settlement, the other is the ending of the military operations. I am therefore urging the Special Advisor to consider some formula we can adopt, either in the settlement or in a protocol, which puts a time limit on the presence of foreign forces in these countries and some assurances with respect to their military operations while they are there. It would facilitate matters very much on my trip to Saigon. I, incidentally, am planning to take General Haig with me, at least to Saigon. So this is one set of

questions which I can tell you now we will have to raise with you tomorrow, and which you might want to think about.

On some other issues: It is impossible for us to write into a document an obligation that will be read in the United States like reparations. We have to find some formula to deal with this.

On your definition of what forces have to be withdrawn, your statement is too inclusive with respect to civilian personnel. But we will have an alternative proposal for you.

With respect to the replacement provisions of the agreement, it is to be predicted that the two South Vietnamese parties will never agree among each other as to the need for replacements, since they have a maximum incentive not to permit the strengthening of their opponent. Secondly, of course, we have the concern of what happens if there is a massive infusion of arms into parts of Indochina not covered by Article 9.

Specifically, the Democratic Republic of Vietnam. We have a two-fold problem: One is if there's an unlimited introduction of arms into North Vietnam—and since we have not yet agreed on the monitoring of the movement of supplies into South Vietnam, this is bound to be an inequality. So you should consider the formula we have given you, which we believe is realistic and without which, or something like it, I can assure you that Saigon will never accept these proposals.

Now, with respect to your forces. We have not asked for the withdrawal of all your forces. We have said that on the day of ceasefire there be an exchange of [*lists of*]² the units that are in place in each area, which is required in any event. We would hope that such a listing on your side would show that some of the units that have entered South Vietnam after March 25 had returned to North Vietnam. Of course it would also mean that some of your units remain in South Vietnam. We simply would like the de facto situation on the day of the ceasefire to reflect some movement.

We don't want to write it into the agreement. It is a very important element in presenting the case, and I think you gentlemen recognize its practical implications are not all that total. If we can't find every tank we are not likely to find every soldier. [Laughter]

Le Duc Tho: You can't find them because all of them are Vietnamese. [Laughter]

Xuan Thuy: And if you introduce the materials through seaport and airport we can't know it.

² Bracketed addition supplied by the editor.

Dr. Kissinger: We will agree to let you have inspectors at these places. These are the major things I would appreciate your considering overnight, and we will come back to them.

May I ask one question? What happens after three months if the South Vietnamese parties don't agree on a political framework? What happens after three months if there's no agreement?

Le Duc Tho: You want me to answer you at this time?

Dr. Kissinger: I would appreciate it, yes.

Le Duc Tho: I think that the two parties should achieve settlement within three months.

Dr. Kissinger: But what if they don't?

Le Duc Tho: You have responsibility to step up the settlement within three months; we have the same responsibility. Because regarding the political questions, the points you have raised and those we have raised, there are many we can agree up already. Because if now the South Vietnamese parties do not come to agreement, then we should push them to materialize the schedule because the schedule has been agreed upon. We shall do our best. On the political questions there are many points on which we have agreed. There are two major points, the question of the three-segment Government of National Concord and the question of the resignation of Nguyen Van Thieu. These are two most thorny questions.

Dr. Kissinger: But they have to settle that among each other.

Le Duc Tho: Because we both have come to agreement, and these two questions we have come to agreement, as the proposal of our side has reflected it. So it is a great effort on our part. But as to the form of the body or power in South Vietnam, you propose the Commission for National Reconciliation; we propose an Administration of National Concord.

Dr. Kissinger: No, we proposed the resignation of President Thieu in the context of a Presidential election, and therefore this matter will now be discussed among the South Vietnamese parties. It will not be part of our agreement. That is correct?

Le Duc Tho: Right. Therefore, there is one sentence in the draft agreement I mentioned.

Dr. Kissinger: I understand.

Le Duc Tho: It is a sentence saying that South Vietnam should settle their political system through genuinely free and democratic elections.

Dr. Kissinger: I understand. Now, the ceasefire, however, is of unlimited duration in South Vietnam.

Le Duc Tho: When we sign agreement between you and us, then the ceasefire begins and lasts forever.

Dr. Kissinger: Also among the South Vietnamese parties.

Le Duc Tho: Definitely.

Dr. Kissinger: Now I have only one other issue that is of some concern. In the United States the issue of the prisoners of war is of great emotional significance.

Le Duc Tho: We know that.

Dr. Kissinger: And therefore the obligation with respect to prisoners held in Laos and Cambodia must be very precisely stated.

Le Duc Tho: It is difficult to record it in the document because it will involve Indochina. It will involve Laos and Cambodia. I told you that in Laos and Cambodia American servicemen are very few in number.

Dr. Kissinger: But there are civilians in Cambodia.

Le Duc Tho: There are none. There are no civilians, not in Cambodia. We know definitely. In Laos there are a few. When we come to an agreement then we should give you the list.

Dr. Kissinger: Well, we must have lists. We must have some accounting for the missing in action. We must have some possibility of dealing with the facilities. And there must be some assurances we receive from you in some form which we can show to the families of those concerned. I believe you. I see no reason why you should want to hold a few prisoners in Laos.

Le Duc Tho: I told you.

Dr. Kissinger: Yes, but we must agree on some form of getting that assurance. I don't believe that is a decisive point.

Le Duc Tho: We can acknowledge the understanding.

Dr. Kissinger: All right. I can perhaps do best by meeting with my colleagues tonight on the document, and shall we meet again tomorrow when we can go through it more carefully? Unless of course the Special Advisor has any comments on what I have just said.

Le Duc Tho: Let me add a few sentences. Now we have a schedule proposed by Mr. Special Advisor. Therefore I think that we should make an effort to put in practice the schedule you have proposed, that is in the week of October 22; but the sooner the better. And these three days of meetings are very important. We should do in such a way that in these three days we will have reached a basic agreement. And if we reached basic agreement in these three days then we should set a very accurate schedule of work, from which we should make an effort to put in practice.

Dr. Kissinger: I agree. With the one proviso that your compatriots in Saigon are no easier to deal with than you! It's a national characteristic. But we will make a big effort.

Le Duc Tho: That question should be understood by General Haig who has just come back from there. You will have the necessary means to influence. You should command Saigon, and not Saigon is commanding you. Naturally, you understand from time to time there are some divergences of views, but objectively speaking I think in the main you decide everything.

Dr. Kissinger: No, we have influence, but we don't have unlimited influence.

Le Duc Tho: But decisive influence.

Dr. Kissinger: We don't have quick influence and we're dealing with a rapid schedule. So it is important, as I said, for you to study what I have said very carefully. We will make a genuine maximum effort to meet the schedule.

Le Duc Tho: In these three days we shall really do also maximum effort. But if after these three days we can't come to an agreement, we should say it is impossible to reach agreement.

Dr. Kissinger: Well, let us not be so pessimistic. We have come so far. So let's not even admit that there may not be an agreement.

Le Duc Tho: We should make an effort, but as you said we should not be too optimistic.

Xuan Thuy: You recalled the experience in 1968. I remember this experience very well. The experience is that the Saigon people availed themselves by the election of President Nixon to refuse to come to the conference table very rapidly. So it appears that the Saigon people are not so obstinate but you have created conditions for them to be obstinate. Now the situation is different now; you are very influential with regard to Saigon people. On that score I am optimistic.

Dr. Kissinger: If we can get an agreement here that I can enthusiastically support in Saigon, I believe we can do it.

Le Duc Tho: I think that if you and we come to an agreement here, you will force Saigon to abide.

Dr. Kissinger: No, that will not be done. It cannot be done rapidly enough, but if we have an agreement here that we can genuinely believe in, then we can use all our influence in Saigon and we shall.

Le Duc Tho: So in three days time if we don't come to an agreement it means we cannot.

Dr. Kissinger: But it means that we must have an agreement that lends itself to an easy presentation, and that requires some satisfaction on many of the points I have mentioned to you.

Le Duc Tho: You only speak of our satisfying your demands, but you have not mentioned your satisfaction of our demands.

Dr. Kissinger: We have to meet. We have made a great effort also and so we meet. You are quite right; we must do it in a spirit of mutual comprehension.

Le Duc Tho: So I propose tomorrow we shall meet again at 2:00.

Dr. Kissinger: Good.

Le Duc Tho: We can work until 6:00 or 7:00.

Dr. Kissinger: Good.

Le Duc Tho: And tomorrow morning we shall study the documents.

Dr. Kissinger: Good. Thank you for your courtesy.

[The group gets up from the table.]

If we agree on a trip to Hanoi, we must agree beforehand on what will be said and what coverage it will have. I cannot be made subject of a television show. Let us come to an agreement first and then we'll discuss the trip to Hanoi.

Le Duc Tho: Yes, the date and the time.

Dr. Kissinger: In two weeks. No, faster. About 10 days after I leave here. Around the 20th.

Le Duc Tho: Around the 20th.

Dr. Kissinger: Around the 20th to Hanoi, and to Saigon.

Le Duc Tho: How many days? Two days?

Dr. Kissinger: What do you propose?

Le Duc Tho: It is up to you. You make your proposal about where it is to be signed.

Dr. Kissinger: We could agree to it in Hanoi. What I visualize is, when I return from Hanoi there can be a simultaneous announcement that it was agreed in Hanoi and will be signed in Paris.

Le Duc Tho: When would it be signed? On what day?

Dr. Kissinger: On the 25th or 26th. Probably here. I mean for the formal signing. We would initial it in Hanoi; we would agree upon it in Hanoi. The negotiation would be completed in Hanoi.

Le Duc Tho: So only the formal signing here.

Dr. Kissinger: We'll have the Minister and the Ambassador in separate rooms and ring a bell and say, "Now sign!" So no one has to sign first.

Le Duc Tho: So, we will consider what dates would be convenient for the work program of our leaders.

Dr. Kissinger: Good. It would be helpful if I knew before I left here. Or this week.

Le Duc Tho: What is important is on the basis of what we've agreed here. And I can answer you.

Dr. Kissinger: We may decide we can skip the stop in Hanoi. I may go to Saigon, and then return to Washington and then finish it here. From our point of view it is not essential to go to Hanoi. Whatever creates the best atmosphere and best helps a settlement.

Le Duc Tho: Tomorrow we shall give you an answer.

Dr. Kissinger: One other question. I'm assuming the document you've given us is not known to others.

Le Duc Tho: No one.

Dr. Kissinger: So there will be no public discussion of it.

Le Duc Tho: We have not handed it to anyone.

[The meeting then ended.]

22. Memorandum of Conversation¹

Paris, October 9, 1972, 3:58–6:08 p.m.

PARTICIPANTS

Le Duc Tho, Special Advisor to the DRV Delegation to the Paris Peace Talks

Xuan Thuy, Minister, Chief DRV Delegate to the Paris Peace Talks

Phan Hien, Advisor to the DRV Delegation

Nguyen Dinh Phuong, Interpreter

Mr. Thai, Notetaker

Second Notetaker

Henry A. Kissinger, Assistant to the President for National Security Affairs

Major General Alexander M. Haig, Jr., Deputy Assistant to the President for

National Security Affairs

Winston Lord, NSC Staff

John D. Negroponte, NSC Staff

David A. Engel, NSC Staff—Interpreter

Peter W. Rodman, NSC Staff

Irene G. Derus, Notetaker

[When being greeted by Xuan Thuy, Dr. Kissinger gave the Minister a regimental necktie, as he had promised the day before. The Minister thanked him.]

Dr. Kissinger: I apologize for the delay. But you gave us a great deal to think about. First of all, Mr. Special Advisor and Mr. Minister, I would like to apologize for having kept you waiting, but we have been working a good part of the night and today to analyze your proposal.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 856, For the President's Files (Winston Lord)—China Trip/Vietnam Negotiations, Sensitive, Camp David, Vol. XX [1 of 3]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at 108 Avenue du Général Leclerc in Gif-sur-Yvette. All brackets except where noted are in the original. The tabs are attached but not printed.

First let me say, Mr. Special Advisor and Mr. Minister, you have given us a very important document, which I believe will bring us to an agreement. We still differ on some points, but if we work the next days in the spirit of mutual comprehension we should be able to complete our work here. In fact I would say that my most important work now is in Washington and in Saigon, and therefore, I should try to return as quickly as I can and we should work as rapidly as we can.

I also want to say that if we come to a satisfactory agreement here we will do our utmost, our maximum, to influence Saigon to accept it. Especially if you show understanding with respect to some of the necessities we described to you yesterday.

Now let me tell you the tentative schedule on which we propose to operate.

We should finish our work here hopefully tomorrow, certainly early Wednesday.

Le Duc Tho: In the morning?

Dr. Kissinger: I would then return to Washington and I could let you know within 48 hours whether there are any technical objections in Washington and what they are. They will not be of a major character, I believe. I would then propose to leave for Saigon on Saturday the 14th arriving in Saigon the evening of the 15th. I would work in Saigon the 16th, 17th and 18th. On the evening of the 18th we would stop the bombing of the North. On the morning of the 19th, if your proposal is still in force, I would go to Hanoi. On the morning of the 21st I would leave Hanoi to return to Washington. I would arrive in Washington the evening of the 21st. We would announce the agreement jointly on the evening of the 22nd or the evening of the 23rd, Washington time. You would announce it in Hanoi and we would announce it in Washington at the same time. We would sign the agreement on the 25th or 26th. We would be prepared to have the Secretary of State sign the agreement. A ceasefire would go into effect within 24 hours of the signature of the agreement.

We believe that we can meet this schedule. Does the Special Advisor have any comment on this proposal?

Le Duc Tho: I feel that the schedule you have proposed is reasonable and if we can do our work here, the sooner the better. We still maintain our intention on your visit to Hanoi. So the conditions we have proposed—First, we agree here, second you stop the bombing, and then your visit to Hanoi. So the circumstances are propitious. And now we, both you and us, should make an effort to reach an agreement expeditiously, rapidly and with good results. Therefore if each of us have some issue to raise for settlement we should do that with an open heart, frankly and to come to a quick settlement. What we can record

in the agreement, we shall do that. What we can't record in the agreement, we shall make an understanding with each other.

Dr. Kissinger: That is agreeable to us. And I would like to say that while the United States and the DRV have made agreements in the past, we have always remained adversaries afterwards. But we are making an agreement with you with the intention of moving from an adversary to normalcy, and from normalcy to friendship, and therefore we must seek the guarantees not only in the provisions of the agreement but also in our mutual desire of preserving a long-term relationship.

Le Duc Tho: I share Mr. Special Advisor's view that we have been keeping a hostile relationship for a long time. It is high time now to put an end to this era and to shift to a new era of new relationships between our two peoples, and to shift it from adversary relationship to normalcy and to a long-term friendly relationship. As you know, we have been in very harsh hostile relationship so far, but we are prepared to accept a visit by you in Hanoi. This shows our firm intention to put an end to this era of hostility and to open up a new era of relationship, of peace.

Dr. Kissinger: We will meet you also with an open heart. And with the intention of looking to the future and to draw a line under the past.

Now, Mr. Special Advisor and Mr. Minister, we have worked on your plan. We accept its basic approach and we accept many of its provisions, and many of those which we have reformulated are not so far from yours that we cannot come to an agreement. We have rearranged the order of some of the paragraphs and I will explain to you the reasons for that. We must now gain very rapidly the widest possible support in the United States, because if we shall make a real peace we want to start it with the broadest possible basis. And our opposition will come from the right, not from the left. Therefore, we have moved some paragraphs which seem to single us out for special criticism, and which you have had a tendency to put at the beginning of each section, into the middle of each section while accepting the paragraph. Your cooperation in this would be very helpful.

And also if we could cooperate with respect to some of the points I raised with the Special Advisor yesterday to speed up the deliberations in Saigon, this would be very helpful. We have not put it in the agreement yet because we have not found a way of expressing it but, for example, I want to speak specifically to the Special Advisor. I have spoken to him yesterday, sometimes jokingly, sometimes seriously, about inspection on the infiltration trails. Now I know, speaking frankly, and the Special Advisor knows, that if you are determined to move supplies through Laos you will find a way of doing so. You always have. Or am I wrong? [Le Duc Tho laughs.] On the other hand, we rely on the fact that you will consider this inconsistent with our long-

term relationship and that therefore you will look at problems henceforth in a different way.

Yet to increase the acceptability of the agreement in the United States and to speed up the deliberations in Saigon, if we in the next day or two could find some formula to make this possible, it would be very important.

Now I will give you our redraft of your proposal and you will, of course, want to study it. I suggest that after I review it for you, perhaps we might adjourn and meet early in the morning and then work intensively all day tomorrow—unless you have some proposal. But I would like to review it first.

Le Duc Tho: It is possible. I propose that you give us the text now, because I can translate it.

Dr. Kissinger: We would like to reserve the right to review it again tonight because we had to work very rapidly and we may want to make a few more minor changes. [Hands over U.S. draft agreement, Tab A.] We have one more unilateral statement, which is the same one we gave you yesterday, about replacements. [Hands over U.S. "Unilateral Statement of Replacement of Armaments", Tab B.] And here is another you saw. [Hands over "DRV Unilateral Statement on Prisoners", Tab C.]

Now may I review your document point by point? May I? Should I begin, Mr. Special Advisor?

Le Duc Tho: Please.

Dr. Kissinger: The preamble. We fully accept the language of your preamble. We recommend, however, that in our document we list the United States first and in your document you list yourself first. It is the normal practice.

In connection with the preamble I wanted to ask the Special Advisor the following: This document is drafted for signature for the United States and the Democratic Republic. Is it conceivable that all four parties sign it?

Le Duc Tho: We may think about it. Tomorrow we shall answer you on that.

Dr. Kissinger: I don't know which is better, frankly. We should do whatever way is easier to get the approval of Saigon. If we could have this flexibility for my trip to Saigon, it would be useful to know. You think about it.

Minister Xuan Thuy: You mean that the question of the agreement being signed by the DRV and the United States, there is no question about it. The question arises that it be signed by the four parties.

Dr. Kissinger: No question that the United States and the DRV will sign it.

Le Duc Tho: But if the agreement were to be signed by the four parties, the contents would be the same?

Dr. Kissinger: Oh yes, it doesn't affect the content.

Le Duc Tho: We shall answer you tomorrow.

Dr. Kissinger: Probably we should maintain this. It is easier. I just wanted to . . .

Le Duc Tho: Primarily we shall sign by both parties.

Dr. Kissinger: No question.

Le Duc Tho: We shall answer you the question on the agreement being signed by the four parties.

Dr. Kissinger: But it is not a principle, because it may be easier to do it this way.

Le Duc Tho: The question of the agreement being signed by the two parties.

Dr. Kissinger: That is settled.

Le Duc Tho: But the question to be settled now is to know whether the agreement could be signed by the four parties. Tomorrow we shall answer that.

Dr. Kissinger: Yes, I want to be frank with the Special Advisor. The easier [*way*]² would be if the Special Advisor would leave it to our discretion, because then we could do it in Saigon whichever solves the problem the most easily. And then we will tell you when I come to Hanoi. General Haig and I will both go.

Le Duc Tho: Tomorrow we shall have time to talk about this.

Dr. Kissinger: Article 1. We accept Article 1 with a few changes, but they are not major changes. You are making it a directive, "the United States shall respect." We are making it a statement of fact, "the United States respects."

Le Duc Tho: All right.

Dr. Kissinger: And you say "consecrate" which is a rather complicated word in English. We would like to say "established by the 1954 Geneva Agreements." There is no big difference. We also would like to move one of the paragraphs, but I will discuss what we would like to move later, but without changing the wording in Article 2. [Dr. Kissinger looks for the document.] My staff thinks that if I don't have a document I can't do any damage.

Article 2, your Article 2. We accept it with minor changes in language. We are saying "upon completion of its withdrawal" first. "The United States will not continue its military involvement or intervention

² The bracketed word was supplied by the editor.

in the internal affairs of Vietnam.” “South Vietnam” it actually should be. That is taken from your text with minor changes. You don’t have to comment now, I just want to give you . . . but if you have any criticisms let me know.

On our copy we left out “South,” but it is in your text. It is accepting your own text. The copy we gave you maybe we can show that. It is from your text. All right.

Articles 3 and 4. Your Article 2 is another we are moving—just two articles further down. It is in the same section, but I will explain that to you in a minute.

Your Articles 3 and 4 we have put together, but we have essentially accepted them. When the language is changed it is not intended to change the substance. You will look it over.

Article 5. We have essentially accepted that, except I see there is another typing mistake. We say “the Vietnamese parties”. We should say “the South Vietnamese parties.” This is your language. I am correcting our document, not yours.

We have made a few suggestions in it, such as when we say “they should remain in-place,” that will be physically impossible. They must have some freedom of movement. Let us say 1 kilometer, 2 kilometers, etc. And we say that the Joint Commission should work out the modalities of what should be determined as staying in place.

Article 6. We agree that United States and allied withdrawal should be completed within 60 days.

Le Duc Tho: You don’t have to divide the period!

Dr. Kissinger: No, we don’t have to divide the period. We ask your understanding if at the end there is some problem, if there are some technical difficulties, but it will not extend 7 days. But we don’t think it will be necessary. It won’t be necessary, but . . .

Le Duc Tho: Six days more.

Dr. Kissinger: In 60 days.

Le Duc Tho: Six days more—66.

Dr. Kissinger: It won’t be necessary. It is a question of understanding. Maybe conceivably one or two days. But we are not making this agreement to break it.

We have not accepted the phrase that the air and naval forces should be withdrawn first. I think in such a short period we should move on the basis of logistic considerations and not on the basis of unit.

We have not completely accepted your language about the withdrawal of all advisers because some of them have solely economic functions and the Special Advisor and I agreed once that those could stay—some economic advisers, some civilian advisers, I should say. You remember?

Le Duc Tho: [Nods his head “yes.”]

Dr. Kissinger: But we have added a phrase, to show our good will, that advisers to paramilitary organizations such as the police shall be withdrawn. Or any other paramilitary organization. We have also left in the phrase that normal military attaché functions will be maintained. But we are willing to have an understanding with you or make a commitment to you that the number will in no circumstances exceed 50, and if you want to, they can be located only in Saigon.

Le Duc Tho: But this military attaché belongs to the United States Embassy.

Dr. Kissinger: The Embassy. There is no military command that will be maintained.

Le Duc Tho: So the military attaché [*belongs*]³ to the United States Embassy?

Dr. Kissinger: To the United States Embassy. Well, he is technically accredited to the Government but he belongs to the United States Embassy. Fifty is the average number for a country of the size of South Vietnam. We have checked in Washington. It is not an unusual number.

Article 7 we accept without change.

Article 8. We cannot accept this as a formal obligation but we will give you a verbal assurance that on the day that withdrawals are completed American carriers will be moved a distance of 300 miles from the shores of Vietnam.

Article 9. We have accepted most of the features of this Article. We do not agree with the fact that the two South Vietnamese parties shall agree with each other on the replacement, because they will never agree. But we can assure you that it is not our intention to modernize the South Vietnamese forces or to abuse this provision unless there should be a massive change in the military situation. But you want to study this Article because I think on this one we are not yet agreed. And I suggest we discuss it. I think that the Special Advisor will probably have some comments to make on our draft with respect to this tomorrow, though I don't want to discourage him from accepting!

With Article 10, we have accepted this substantially, but we have retained our language with respect to innocent civilians. If we ask for the release of all civilians in South Vietnam, then it will be an unmanageable problem next week. We think this should be left to discussion among the South Vietnamese parties, and we will use our influence in a positive sense.

Le Duc Tho: You go on.

³ The bracketed word was supplied by the editor.

Dr. Kissinger: Article 11. We accept the preamble. Then we have reorganized it a little bit. We accept 11(a), but you will see we have broken it into two parts. But it doesn't change the wording, except we have taken out again, as in the preamble, as in Article 1, we have taken out the directive and made it a statement of fact. We are trying to curb the Special Advisor's pedagogical tendencies.

11(b), we accept your language.

11(c), we accept your language.

The rest we have slightly reorganized, so that Point 11(g) precedes the other points. We have put in Commission of National Reconciliation rather than Administration of National Concord.

11(e) we accept verbatim, except we have substituted "reconciliation" for "concord."

11(f) we have accepted verbatim, except we define what we mean by neutrality, namely the military provisions of the 1954 Geneva Agreements.

11(g): We have inserted your own idea that this central institution operate by the principle of unanimity and consultation, and we have put in four months, simply to give the South Vietnamese more time and a more realistic period. As I told you we have moved our 11(g) to precede yours. It now is (d) on ours but it is otherwise unchanged.

Le Duc Tho: Precede paragraph (d)?

Dr. Kissinger: It precedes paragraph (d).

Article 12. We accept the concept of your first paragraph but have put it into our language. It is less poetic but has the same meaning.

Paragraph 2, I mean the second paragraph, we accept. We have added the phrase which we had agreed on previously, that "the time for reunification will be agreed upon by North and South Vietnam."

In the third paragraph of Article 12 we have added the phrase which we have given you previously, "shall promptly start negotiations toward reestablishing normal relations in various fields."

In the fourth paragraph we have tightened the first sentence somewhat and we have deleted the sentence, "shall not recognize the protection of any countries." Because we think it's already covered by the clause with respect to neutrality.

Article 13. We cannot accept this in a signed document but we can give you a unilateral assurance. We will consider tonight whether we can make a reference to it in Article 19 when we speak of future relationships, but in any event we will give you a unilateral statement.

Article 14. We accept this almost completely. We accept your description of Article 4(a) and we think it is better than what we have put into our document. Your description of what this Joint Commission will do with respect to Article 4(a) is better than ours.

Let me point out—needless to say, Mr. Special Advisor, in this section about commissions and so forth, this is where we will probably get most of our comments in Washington from our legal people, and this is where you will have to be prepared to receive some comments from me within 48 hours of my departure here. In Washington we have many fanatics of international commissions. But it is not an insoluble problem, in my view.

Article 15. We accept this almost verbatim except we believe that the Joint Commission of the two South Vietnamese parties should deal with the problem of Vietnamese armed forces in the South.

Article 16. We have tried to avoid the dispute to whom this International Commission of Control and Supervision should be responsible by putting in the phrase “until the international guarantee conference makes definitive arrangements it should be responsible to the four parties.” And we have added that this Commission can supervise the free and democratic elections and also the disposition of the forces mentioned in Article 15.

As for the membership, we maintain our view that the fifth member should be nominated by the Secretary General and approved by the other four members. But we are prepared to make clear that he is not a representative of the Secretary General. He is simply another member of the Commission, and we therefore do not say there is a United Nations role in the Commission. But we are willing to listen to a counter-proposal on this. We believe that if the Joint Commissions work by unanimity and the Control Commission also works by unanimity, nothing will ever be done, and therefore we maintain our view of majority vote. We believe that each side should be free to nominate two members without veto by the other, but we accept that they cannot be countries who have participated in the Vietnam war with their forces. We will be prepared to give you our nominations.

Article 17. We accept this verbatim, except that we also put in a guarantee with respect to the ceasefire, or at least we would like a formulation that makes this possible.

Article 18 we accept verbatim except that we use the word “establish” rather than “consecrated.” And we have added—it is the poetic language that we are trying to limit, but it means the same thing. We are adding a unilateral statement which recalls, as the Special Advisor pointed out to me, that for purposes of this clause every country . . . I recalled the Special Advisor’s statement to me that the troops of any Indochinese countries would be considered foreign with relation to any other countries, and that the provisions of Article 15 apply to the relations of the Indochinese countries among each other. You have said this to me. We have slightly edited your article, and I think that with our editing—it’s minor—together with our unilateral statement, it meets

most of our concerns about Laos and Cambodia. Except this one problem of inspection, which the Special Advisor and I are going to think over tonight, of the trails. [Hands over U.S. "Unilateral Statement on Withdrawal of Foreign Troops from the Indochinese Countries," Tab D.]

Article 19 we accept completely.

Article 20 we accept completely.

If I could just indicate to you, so that you don't look for these articles in vain: Your Article 1 is Article 9 of our document. Your Article 2 is Article 3 of our document. Your Article 4 is Article 1 of our document. You understand why I do this? It is just to help you.

Le Duc Tho: Yes.

Dr. Kissinger: Your Article 5 is Article 2 of our document. Your Article 6 is our Article 4. Your Article 7 is our Article 5. Your Article 9 is our Article 6. And after that we have moved . . . Your Article 1 is our Article 9. I told you that. And I think I have given you, your Article 12 is our Article 10. I think the rest follows fairly clearly and we have transposed—you will find the other paragraphs.

So I think there are maybe two or three points of principle; the rest is mostly drafting that is still to be discussed.

[Dr. Kissinger hands over second copy of U.S. draft agreement.]

Would you make your translation from this document? It is the same except there are a few handwritten changes. The handwritten changes are your language, not our language. We will stick to your language in order to speed things up.

In addition I have a number of concrete questions having to do with the trip to Hanoi, on which we should have an answer fairly soon, but perhaps we can discuss this after the Special Advisor makes whatever comments he wishes to make.

One point about the bombing. We would, of course, not resume the bombing between the time of my visit and the signature of the agreement, even after I have left Hanoi. It is not just for the period of my visit. It is from the evening of the 18th onward. Until the ceasefire goes into effect, and then of course it is automatic. Our formal obligation will not begin until the ceasefire begins, but we will not resume it after.

Le Duc Tho: Have you any other questions?

Dr. Kissinger: Well, I have some practical questions about the trip to Hanoi, if the Special Advisor wants to discuss that.

Le Duc Tho: Please go ahead with your questions.

Dr. Kissinger: They are, some of them very boring but since we will have difficulty communicating with each other. We will fly a Boeing Presidential aircraft and you will have to tell us which airfield to use and how to communicate with it. And you have to tell your anti-aircraft crews to observe the ceasefire or our plane would be spotted.

We find it very difficult to come secretly. I think we should announce on the day that I am going there that I am going. We should work out a simple joint announcement and the time that it will be made. Our plan would be to fly up along the coast and to enter the airspace from the southeast over the Gulf of Tonkin or any other direction you tell us. When we were in China we used our aircraft to communicate with Washington and it would be our only means of communication. But that means that you will have to supply the power for the aircraft at the Air Force [*airport*].⁴ I just give you all these technical questions. In that case . . . also I am using the example of our visits both to the Soviet Union and to Peking. There was a car which was stationed at the airport, and a driver, so that the crew could bring messages to us where we were staying. It would be useful for us to know about how long it would take for a message to reach us from the airplane.

Le Duc Tho: They will have to cross a pontoon bridge so it will take a longer time. [Laughter] I tell you this, but it will take a short time.

Dr. Kissinger: Oh yes, I just give you the questions. These are not questions of principle. Also our aircraft crew has to stay with the aircraft. We don't want you to learn our codes. [Laughter] We will give you a list of the crew which is . . . [To Haig:] About how many?

General Haig: About 30.

Dr. Kissinger: It can't be 30. It is about 19 and there will be probably this group—certainly this group—plus two security people who are there to guard documents, not to guard me. Also I am assuming—these are questions that came up on previous trips—that you have a ramp for the right size of a Boeing plane. [Laughter] Are there many Boeing planes visiting you?

Le Duc Tho: Probably your planes are too high and we have no stairs, so you will have to parachute. [Laughter] But frankly speaking, probably our ramp is not so high as your plane, so I advise you to bring some stairs of your own, because all we have is for Ilyushin-18.

Dr. Kissinger: [Aside to Haig:] We can't bring stairs, can we? We will have to check.

Le Duc Tho: Could you please give us the document with the technical questions and we will cable Hanoi to get the exact answers?

Dr. Kissinger: Can I give you them tomorrow? Because then I can give you the exact height of the door. Or do you want this now? I will give it to you. You want it now?

⁴ The bracketed correction was supplied by the editor.

You know how I deal with secret documents? I take off the word “secret,” then it no longer is secret. [Aside to Lord:] Here, write them out before the end of the meeting and give them to them. [To Le Duc Tho:] He will write them out and before the end of the meeting he will give them to you.

Now I am assuming that when we are in Hanoi we will not be exposed to any public spectacle. I mean that there will be no propaganda made of our visit. We don’t object to a picture but we would object to films that would be shown that we could not mutually agree upon.

Le Duc Tho: So you don’t want it to be filmed?

[Dr. Kissinger and General Haig confer.]

Dr. Kissinger: Well, if we can have a mutual agreement that you will release only those things we can mutually agree on, I have no objections. So that it is not a unilateral thing. If we can do that, then you can film it. [Tho nods yes.]

And we would like to have some ideas of the schedule you propose—whom I should see, and so on.

Le Duc Tho: We shall discuss the program of work with you. We propose also that you give us your intention on the subjects you want to discuss when you are there.

Dr. Kissinger: I think we should discuss first any issues that we have not settled here, though I hope we settle everything here. But we should not leave too much for Hanoi, because quite frankly if we take such an important step as a visit to Hanoi, which is difficult for both of us, it must succeed; it cannot fail. So what I might discuss in Hanoi would be those issues that come up in Saigon and then perhaps how we envision our future long-term relationship between the DRV and the U.S. Then we will complete the agreement in Hanoi, and the text with which I will leave Hanoi will not be changed any more or be subject to any negotiations. That is the text that will be signed the following week Thursday or Friday here.

Now when the Special Advisor leaves here for Hanoi, this will be quite a sensation for the press. And he is so skillful at handling the press that I do not wish to make any suggestions to him. But I would like to suggest . . .

Le Duc Tho: When I return to Hanoi the press will ask?

Dr. Kissinger: They will ask whether this means our negotiations have broken off, so if I may suggest . . .

Le Duc Tho: Of course I will not speak about that. I think when we reach basic agreement here I will never say this to the press.

Dr. Kissinger: And similarly you should not show any indication that I am coming to Hanoi, because this will make my task in Saigon much harder. I will tell Saigon, but only after I have their agreement

to our document. Also it would be very useful if we could avoid any indications of progress—which is the opposite of what I said before—any indication of progress before I leave from Saigon. So we will endure one more week of the Minister's assaults.

Xuan Thuy: At the next session I will not be present at Kleber Avenue, then I will not attack you.

Dr. Kissinger: But there should be no hints of this new approach, because we will not send it to Saigon until General Haig and I arrive there. [Dr. Kissinger hands over the technical questions regarding going to Hanoi.]

Le Duc Tho: Yes, we will not do that.

Dr. Kissinger: This is all I have for today. What we would like to do is to settle the rest of it as rapidly as possible so that I can return to Washington, where we will have to enforce some discipline. We are prepared to meet tomorrow morning and we are prepared to stay through Wednesday, but the earlier the better for the schedule.

Le Duc Tho: Have you finished, Mr. Special Advisor?

Dr. Kissinger: Yes.

Le Duc Tho: We have held many private meetings, but only today we, our side, can say that we have realized that we might reach agreement in two or three days more. This is the result of our efforts and your efforts too. So it is clear that once we wanted a settlement both sides make an effort and we come to results. We shall endeavor to realize the schedule we have agreed to. As to your trip to Hanoi, on the technical points, we shall give you the answer on your questions. If not during your stay here, we shall answer you through the liaison officer of the United States Embassy.

Dr. Kissinger: The Colonel?

Le Duc Tho: Colonel Guay. As to whether your trip will be an open trip or a secret trip, we shall answer through Colonel Guay too.

Dr. Kissinger: We examined the question yesterday. It is almost impossible for me to disappear for two days now. When I leave Saigon the press will expect me in Washington. So our proposal is to just announce it just as I am leaving Saigon, or just after I have left Saigon and I am on the way to Hanoi. But we should agree on the text of the announcement, which should be very simple, and the time, so that we can make it jointly here.

Le Duc Tho: But you intend to stop the bombing in the evening of the 18th, but you will reach Hanoi at what time?

Dr. Kissinger: The morning. We can agree on this—what is the time difference between Hanoi and Saigon?

Le Duc Tho: One hour.

Dr. Kissinger: You are further ahead one hour?

Mr. Phuong: One hour later.

Dr. Kissinger: So when it is 8 o'clock in Saigon it is 9 o'clock in Hanoi.

Mr. Phuong: 7 hours in Hanoi; 8 in Saigon.

Dr. Kissinger: And 7 in Hanoi. You tell us—so I would think we would leave—it takes two hours from Saigon?

Xuan Thuy: It depends on the speed of the plane.

Dr. Kissinger: That is a point.

Mr. Negroponte: Two and a half hours. That's a guess.

Mr. Phuong: That is roughly.

Dr. Kissinger: So if we leave at 8 o'clock, we can be in Hanoi by 9:30 or 10? You tell us.

Le Duc Tho: On the 19th.

Dr. Kissinger: On the 19th.

Le Duc Tho: So in my view if you reach Hanoi on the 19th in the morning, then the announcement should be made on the 19th in the morning.

Dr. Kissinger: I agree.

Le Duc Tho: The cessation of the bombing I think you should stop in the morning of the 18th. Because if so, when we announce your trip then public opinion will be more favorable. And the difference between the morning and the evening . . .

Dr. Kissinger: To us it is a public relations problem. As soon as the bombing stops there will be unbelievable speculation in America, and we would like to avoid this for as long as possible. We can stop from the 20th parallel in the morning, reduce it in the rest of the country, and stop it completely in the evening. Our concern is our press, and we do not want to create a general atmosphere of hysteria in Washington and Saigon before we have completed our work there. So we will stop north of the 20th parallel in the morning of the 18th.

Le Duc Tho: And reduce south of the 20th during?

Dr. Kissinger: And reduce south of the 20th parallel late in the day, and stop completely late in the evening.

Le Duc Tho: What time would you stop?

Dr. Kissinger: About 5.

Le Duc Tho: And in the morning?

Dr. Kissinger: There will be no bombing in the morning. We will stop north of the 20th the preceding evening. Or let us say 7 in the morning north of the 20th.

Le Duc Tho: As to the announcements on the trip, I suggest that when you arrive in Hanoi then we announce as soon as you arrive.

Dr. Kissinger: Well, it has to be simultaneously in Washington. It may be better just after I leave Saigon, because they will know in Saigon and they will leak it. But at any rate it will be exactly the same hour that we announce it.

Le Duc Tho: It will be more convenient for us if you arrive in Hanoi and we announce, and when you leave Hanoi we announce again.

Dr. Kissinger: That is all right with us. [Aside to General Haig:] Is there any reason why we can't?

General Haig: No.

Le Duc Tho: Only a few hours later as you intended.

Dr. Kissinger: It will not hold because it will also be known in Saigon.

Le Duc Tho: I think that there would be no problem for you because the announcement is made only two hours later.

Dr. Kissinger: We will agree on the time as you proposed, the arrival. We will agree on the time. It is all right with you. We can control what we must in Washington. We will not announce in Washington until the time you and we agree on.

Le Duc Tho: Because if the announcement is made before you arrive, then there may be some movement in the public opinion.

Dr. Kissinger: I am very popular in Hanoi, I understand. [Laughter] But we will propose a text to you tomorrow. It will be very simple.

Le Duc Tho: As to our resumption of our work I propose, because we shall need some time to study your proposal, therefore I propose that we shall meet again at 3 o'clock in the afternoon. We shall then complete the work tomorrow afternoon, otherwise we shall meet again on Wednesday. We should endeavor to complete our work, to settle everything, before you go to Hanoi.

Dr. Kissinger: I agree.

Le Duc Tho: Because if so, we shall have more time in Hanoi to discuss more important problems.

Dr. Kissinger: I agree.

Le Duc Tho: But if there is something left then we shall continue to discuss it in Hanoi.

Dr. Kissinger: Except it should not be an issue of principle, because we should not have the risk of failure.

Le Duc Tho: Certainly.

Dr. Kissinger: Also you will let us have some idea of which of your leaders we will meet, because our press will watch very carefully and ascribe particular significance to that.

Le Duc Tho: I think that when you arrive we shall discuss our working program and whom you will meet. I think there will be no

problem. Who you wish to meet, we shall arrange and we shall exchange views with you.

Dr. Kissinger: I would like to find out from General Giap how he got his tanks to An Loc, so that I know where to put the inspection teams on the Trail. [Laughter]

Xuan Thuy: Probably General Giap himself doesn't know how to infiltrate the Trail with tanks.

Le Duc Tho: But it is also military secrecy.

Dr. Kissinger: Oh, yes.

Le Duc Tho: Now I would like to hand to you the Agreement on the Exercise of the South Vietnam People's Fundamental National Right to Self-Determination. This is regarding the political questions, so that we can have acknowledgment of the agreement we have reached and we may sign this document too. This document will be referred to the two South Vietnamese for their discussion, and the completion of their discussion within three months. It is the document which will be put into the two-party forum to quickly get results. The contents of this document is what has appeared in the agreement but in more details. [Tho hands over DRV draft agreement (Tab E).] So we shall meet again tomorrow.

Dr. Kissinger: But this is not an integral part of the agreement. It is a record of discussion.

Le Duc Tho: It is not an integrated part of the agreement. It may be a document that you and I will sign and refer to the two parties. If we can agree, we can do this. We can give it to the two South Vietnamese parties and we can agree further that they will use it as a basis for discussion on implementation.

Dr. Kissinger: We shall study it carefully tonight. On our fundamental document I propose . . . well, I will have our plane come back tomorrow. If we finish and reach agreement then I shall leave tomorrow night. If we do not finish I will stay Wednesday. I must leave Wednesday because the President is leaving Washington on Thursday and I must see him to go over this. It would be better if I could, in fact, leave tomorrow night so that I can spend Wednesday with him before he leaves. There will be directives that have to be issued. If we agree on the basic document, then perhaps I will keep on one or two of my associates here on Wednesday so that when the text is retyped they can compare it with your version, so that we can be sure we have exactly the same version. That is agreeable?

Le Duc Tho: Agreed. We shall endeavor to finish up tomorrow, but if there is something left we should foresee another day, Wednesday.

Dr. Kissinger: I will be prepared to stay Wednesday.

Le Duc Tho: So you will leave behind one or two of your experts and we shall have one or two of our experts.

Dr. Kissinger: If it is not finished I will stay behind. If it is finished then I will leave one or two of my associates behind, simply to compare the texts to make sure there is no misunderstanding. But if we meet the schedule, we have an urgent requirement in Washington to make the preparations that are necessary and to issue the directives. And to be frank, I don't want to lose the day that the President will be in Washington. If I don't see the President on Wednesday night, I cannot see him until Friday morning and then the whole schedule will slip behind. This is a practical problem.

Le Duc Tho: We shall make the utmost to complete our work tomorrow, but if not, we will complete it on Wednesday.

Dr. Kissinger: And when the Special Advisor goes to bed tonight and he is thinking about Ho Chi Minh Trail, maybe some ideas will come to him. [Laughter]

Le Duc Tho: After the restoration of peace I will show you the Ho Chi Minh Trail. But I don't know if you are strong enough to climb mountains!

[The meeting adjourned at 6:08 p.m.]

23. Memorandum of Conversation¹

Paris, October 10, 1972, 4–9:55 p.m.

PARTICIPANTS

Le Duc Tho, Special Advisor to the DRV Delegation to the Paris Peace Talks
Xuan Thuy, Minister, Chief DRV Delegate to the Paris Peace Talks
Phan Hien, Adviser to the DRV Delegation
Nguyen Dinh Phuong, Interpreter
Mr. Thai, Notetaker
Second Notetaker

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 856, For the President's Files (Winston Lord)—China Trip/Vietnam Negotiations, Sensitive, Camp David, Vol. XX [1 of 3]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at 108 Avenue du Général Leclerc in Gif-sur-Yvette. All brackets except where noted are in the original. The tabs are attached but not printed.

After the session, Kissinger sent messages to Nixon and Haldeman. To the President, he wrote: "The negotiations during this round have been so complex and sensitive that we have been unable to report their content in detail due to the danger of compromise. We know exactly what we are doing, and just as we have not let you down in the past, we will not do so now. Pending our return and my direct report to you it is imperative that nothing be said in reply to McGovern or in any other context bearing on the current talks." Senator George S. McGovern, Nixon's Democratic Party opponent in the upcoming election, was to announce his Vietnam program that evening. To Haldeman, he urged: "Please hold everything steady. I recognize the uncertainties there but excessive nervousness can only jeopardize the outcome here." The two messages, retyped as memoranda, are *ibid.*, Vol. XIX.

Henry A. Kissinger, Assistant to the President for National Security Affairs
Major General Alexander M. Haig, Jr., Deputy Assistant to the President for
National Security Affairs
Winston Lord, NSC Staff
John D. Negroponte, NSC Staff
David A. Engel, NSC Staff—Interpreter
Peter W. Rodman, NSC Staff
Julienne L. Pineau, Notetaker

Dr. Kissinger: Well, we have all been working hard.

Le Duc Tho: Let us begin now. I shall express our views on the draft agreement you have handed to us yesterday. We have carefully studied the draft you give us. We realize that you have made efforts so that we may come to agreement. However, after a careful study of your draft we see that a number of complicated problems are still left.

On many occasions President Nixon and you yourself stated that if we show a comprehensible position with regard to the three-segment government and to the resignation of Nguyen Van Thieu, then all other questions will be negotiable. We have made a great effort on these questions. We have put forward new, correct, reasonable and logical proposals aimed at rapidly settling the Vietnam war. But we realize now that in your draft you have raised many new questions regarding the military problems. These problems you raised make the settlement of the Vietnam problem more difficult.

Yesterday night you sent us a message. [U.S. message at Tab A] In this message you raised questions which make more complicated the settlement on the Vietnam problem. Moreover in your draft there are problems on which we had come to agreement but now you have changed your stand. So through your draft we realize that you have made constructive proposals so that we might come to an agreement, but there are still left many questions, particularly in the military field, in which you appear to be very tight towards us but very loose towards you. We take into account your major concerns, but on the contrary you have not taken into account our major concerns. It is not fair, indeed, and not reasonable.

So we wonder whether because we have put forward a reasonable solution aimed at rapidly settling the war, we wonder whether because of this attitude of ours that you make more pressures on us. This is my impression. I frankly tell you this. Therefore, we think that such a stand is not correct. We should settle the problem on a basis of reciprocity, reasonableness and logic. Therefore, I think that you should better understand us. There are only today and tomorrow left for us. If we don't come to an agreement then, how should we continue the negotiations? If no settlement is reached, then we fall into a deadlock.

Therefore I think we should make an effort to come to a basic agreement on all questions. I think that if we come to a basic agreement

on basic questions, then there should be no change in the agreement. You should give assurance to us on this. It wouldn't do if, as you said yesterday, changes may be brought afterward, after you return to Washington or after your trip to Saigon. If so we certainly will fall into a deadlock. Naturally, as we said previously, we might bring about some changes about the language, about technical questions. Objectively speaking, we may change a few words, a few sentences. But normally a change in the language may lead to a change in the substance, in the intentions.

We have reached now the final limit of our proposals. We can't go beyond this limit. We have agreed to a schedule; we should endeavor to meet this schedule. Because our working program has been set too; we can't upset this program. These few points I would like to bring to your attention so that we can come to an agreement and meet the schedule we have set up.

Now let me express my views on the content of your draft.

Dr. Kissinger: May I make a general observation before we go into detail? [Le Duc Tho nods.]

First, I recognize that you have made a major effort, Mr. Special Advisor. And so have we. We face a problem that both of us have to convince many audiences if we want to move very rapidly. We have no intention of bringing additional pressure on you. Because I believe when we have made the big decision to make peace, most of the issues which we will face are not decisive. What is decisive is the attitude with which we will carry out the agreement, and that means we must both be satisfied.

Now with respect to your last point, I agree with you that after we finish here there should be no changes to change the meaning or the principle. We should consider the negotiation concluded when we finish here. From the point of view of bureaucratic management—I will be very honest with you—it might help us if you would show understanding, if you would permit some of our people to suggest one or two changes in wording that have primarily legal and no substantive significance, so that they have interest in defending this document.

As for Saigon, we will take care of that problem. And we will not raise new issues of principle. We do not want to be in Hanoi unless there is a full understanding that the agreement is concluded. We do not want to have the negotiation reopened in Hanoi. So we must conclude here.

Le Duc Tho: Let me answer.

First, regarding the implementation of the signed agreement. I can tell you, Mr. Special Advisor, that we are the most serious in implementing the signed agreement. The experience of the past 25 years have

shown this. But the implementation, the strict implementation of the signed agreement does not depend only on one side; it requires the serious implementation of both sides. If one side does not respect the agreement then naturally the other side will not do the same. Therefore, all the parties should insure the strict implementation of the agreements.

As far as you are concerned, as I told you the other day, when we are fighting we are resolute, but when we have decided to make peace we are resolute too. And when a settlement is reached we shall abide by what we have undertaken to do. Because the relation between our two countries does not lie only in this negotiation; it will stretch a long period to come. This is our desire. But it also depends on you too.

As to a change in some sentence or some wordings of the agreement, we understand that once the agreement has not yet become a signed agreement, then some changes may be brought to some sentences or words. It is the same, objective regulation, but what we wanted to stress on is that the change of the language or wording should not bring about a change in the substance of the problem.

Dr. Kissinger: We agree.

Le Duc Tho: Let me now enter in the content of your proposal. Let me bring out only points on which we still differ. As to those points on which we have agreed, then let me save them from presentation again. As to the language, the wording, we should let our experts to do the job. I will not express my views on the details of the language or wordings. Because on the wordings, perhaps after our meeting here our experts will work for one day or two days to complete the wordings, the language. I tell you two days, but Minister Xuan Thuy says as soon as possible, the sooner the better.

Dr. Kissinger: I will have to talk about the schedule to the Special Advisor. If we are to meet the schedule, we have to work fast. And I must get back to Washington. Because, when we get to know each other better, you will know it will require a tremendous amount of management for me in Washington, and I cannot go to Washington unless we are substantially agreed.

But let us see where we are and then let us understand exactly what the experts will do, what we will do, and in what time.

Le Duc Tho: But I feel that after we finished our work here our experts will spend one day to complete the agreement.

Dr. Kissinger: We will see what that means. Yes. At any rate, we'll have to compare our texts.

Le Duc Tho: Now let me speak about the order of the chapters in the agreement. First let me speak about the disposition, the order, of the chapters. On Chapter First, now you put it downward. This is the only one—this is the only remark I shall make. As to the other changes in the disposition proposed by you, we agree.

Dr. Kissinger: Except for this, or agree to this?

Le Duc Tho: Except Chapter First. [Laughter] We propose to maintain the order, the place, for Chapter First because it is in keeping with the 1954 Geneva Agreement. In the 1954 Geneva Agreement it was so disposed. But the importance of our intention is this: This is the basic principle of our position. This is also the fundamental aspirations of our people. And when our people read the agreement, they see in the first place the chapter dealing with the fundamental right of the Vietnamese people, and they will be more enthusiastic in reading it. They will see at first glance that the U.S. now is respecting their fundamental right, and this will narrow the gap which have put the two people apart after so long years of hostility. This, what I have been telling you, is something very frankly speaking. They would not be pleased if they see this chapter is put inside the agreement by you. Not only we will be displeased, but by that our people will be displeased. This disposition we propose not only meets our basic requirement but also to help our relation between our two countries shift to a new page. Our people, when seeing it, will have more confidence in the agreement.

This is the only point about the disposition. Let me now go into the content. Let me speak only about major questions. As to minor questions and language, we shall discuss it later.

Now about your Chapter First. You are afraid that the ceasefire we are proposing is only temporary and we will afterward resume the fighting again. Therefore you want to mention that the ceasefire will be indefinite in duration and the ceasefire will be independent of all other provisions of the agreement.

Dr. Kissinger: Well, that's what the Special Advisor said to me Sunday.

Le Duc Tho: Let me tell you.

Dr. Kissinger: Oh sorry.

Le Duc Tho: But if you put that the ceasefire will be independent of all the other provisions of the agreement, then we understand that only the ceasefire should be respected and all the other provisions may not be respected. As I told you, when we observe a ceasefire the ceasefire is permanent. But we delete the second part of your sentence. Now, to give you confidence that the end of the war is firm, stable, lasting, as you like, we shall add a sentence as follows: "The parties shall observe a stable ceasefire, maintain lasting and stable peace." To meet your concern concerning the resumption of hostilities.

Dr. Kissinger: Could I hear that again? He doesn't have to read it, just the interpreter read it to me.

Le Duc Tho: "The parties undertake to respect the ceasefire and maintain lasting peace and stable peace." But the amendment will be forwarded to you.

Dr. Kissinger: Oh, I will get the text? [Le Duc Tho nods.] Okay, I understand your point. You don't have to give it to me at this point. I understand what the Special Advisor is trying to do and we'll worry about words later. And I will give my reaction after I hear all your comments.

Le Duc Tho: Secondly, regarding the paragraph dealing with military aid.

Dr. Kissinger: Can I assume that all the others are in principle agreeable? Between the first and the sixth? In principle?

Le Duc Tho: I am going to speak about this chapter, the first.

Dr. Kissinger: No, but he went from Article 1 to Article 6, yes, in the first chapter. Article 6 is still in the first chapter.

Le Duc Tho: I am continuing to express my views on Article 1, Article 6. I have only expressed my views on Article 1.

Dr. Kissinger: Yes, but now you are going to Article 6.

Le Duc Tho: Chapter first.

Dr. Kissinger: Chapter 1, Article 6.

Le Duc Tho: Chapter 1, from Article 1 to Article 6, I shall express my views on which I have different views.

Dr. Kissinger: Yes, but that's my question to the Special Advisor. Where he doesn't express his views I can assume he agrees?

Le Duc Tho: A point on which I do not make my comment I have agreed in principle; as to the language, it is to our experts.

Dr. Kissinger: Then we worry about it later.

Le Duc Tho: Now, Article 6, regarding military aid. There is a sentence in your draft: "The U.S. will define its level of military aid to South Vietnam in direct relation to other military aid introduced into Indochina." I think that this sentence is not necessary. Because in our draft there is a sentence that the acceptance of military aid from outside South Vietnam in the future will come under the authority of the definitive government formed after the general election. So the definitive government will decide on the level of military aid. If now the U.S. decides on the level of aid then it would be contrary, at variance, with the sovereignty of South Vietnam. Therefore, we think that this sentence is not necessary.

Dr. Kissinger: I understand. I will make all my comments after I have heard the Special Advisor.

Le Duc Tho: Now regarding the paragraph dealing with the end of U.S. military involvement.

Dr. Kissinger: Where is that?

Le Duc Tho: Article 3. I think that the part of sentence "upon the completion of this withdrawal" should be deleted. And the article will

begin “The United States will not continue its military involvement.” Because as written in your proposal it would be understood that after the ceasefire but before the completion of the U.S. withdrawal of troops the U.S. will continue to be involved militarily in South Vietnam and intervene in the internal affairs of South Vietnam.

Dr. Kissinger: You won’t even let us interfere for 60 days more?

[Laughter]

Le Duc Tho: So you want to continue to interfere for 60 days more?

Dr. Kissinger: It is a habit that is so hard to break. [Laughter]

Le Duc Tho: I think that once the war is ended this should not be so.

Dr. Kissinger: I understand your point, I understand.

Le Duc Tho: Now, Article 2.

Dr. Kissinger: The Special Advisor I have to say is very deceptive—he went from Article 1 to Article 6 and I thought we had four accepted articles. [Laughter] Just as my confidence was developing he’s gone back again. But the preamble is all right? You’re not going to hit me with the preamble next?

Le Duc Tho: Completely agreed! [Laughter]

Dr. Kissinger: All right, Article 2.

Le Duc Tho: Article 2(c). The paragraph says “acts of force on the ground, in the air and on the sea shall be prohibited.” We, in our proposal, we put “all acts encroaching on the sovereignty and the security of Vietnam.” We propose this because we think that not only the acts of force but also other acts of war should be stopped, for instance reconnaissance, air reconnaissance through our territory.

Dr. Kissinger: Now you are talking about 2(c).

Le Duc Tho: Yes.

Dr. Kissinger: Well, yes, but that applies to the regular forces of the parties in South Vietnam.

Le Duc Tho: For this paragraph we propose “all combat and all reconnaissance activities on the ground, in the air and on the sea shall be terminated.”

Dr. Kissinger: For 2(c).

Le Duc Tho: Yes, what I told you previously is not accurate. For this paragraph, Article 2(c), we propose “All acts of combat and reconnaissance on the ground, in the air, and on the sea shall be prohibited.”

Dr. Kissinger: Are we going to get all the language from you? You’ll give us a piece of paper?

Le Duc Tho: Afterward.

Dr. Kissinger: Afterward. That’s fine. It’s just so my assistants don’t . . .

Le Duc Tho: I shall underline the amendment we propose.

Dr. Kissinger: All right. If you would like to have Mr. Lord on your staff, he's very good at underlining papers. He does it for me all the time. I can recommend him highly.

All right, I understand your point. Just one practical question about this. In the conditions on South Vietnam, how is it possible not to fly airplanes over somebody's territory in South Vietnam? You usually have your people at the end of each runway. [Laughter] All right, I understand the point.

Le Duc Tho: As to the troops.

Dr. Kissinger: Paragraph 4?

Le Duc Tho: Article 4, yes. We think that it would be better our formulation saying in detail what should be withdrawn. It is what we have done in the Geneva Conference. It is, should be, more concrete. In the Geneva Conference of 1962 we did the same way.

As to the number of 50 military attachés, we think it is too much, too. You said they will remain in Saigon, but no one can control their displacement outside of Saigon.

As to the warships, aircraft carriers, they should be outside of territorial waters. After the ceasefire we think that, and we maintain this idea.

Dr. Kissinger: You mean you maintain the paragraph?

Le Duc Tho: Moreover, Mr. Special Advisor said the other day that you would make an announcement or a statement in that connection. We think it would be better to record this idea in the agreement. Because once the war is ended, then for what purpose will you keep your navy in the Gulf of Bac Bo, in the Tonkin Gulf?

Now the last question is the most important. The last sentence of Article 6. You write, "On the day this agreement is signed, the parties will exchange lists of the supervision, verification, and control." And you sent us a message, too, which you said we should reflect the absence of North Vietnamese troops.

Dr. Kissinger: I avoided the word "North Vietnamese."

Le Duc Tho: But your idea, your intention.

Dr. Kissinger: The intention, that's true, but not of all North Vietnamese troops.

Le Duc Tho: But I tell you this is a great question of principle for us. And this question has been raised for the past four years. Therefore, we can't accept this sentence and the explanation you gave in your message. And moreover we think that this approach is not only unfair but it is a spearhead against one side, while [in] the South Vietnamese army you have been equipping tens of divisions and you keep them intact.

Therefore, we propose to settle this question of the war to the end. And to avoid conflict between the two parties the best way and the fair way is that the South Vietnamese parties should reduce their military strength and demobilize the troops. This is a proposal of ours—it shows our good will. If the Saigon Administration agreed to this principle we shall abide to this principle, and we mean what we say. Previously, I said the reduction of “military strength,” but I mean “military effectives,” the same thing. After the restoration of peace, no party should maintain such a huge military army. So the military strength should be reduced, military effectives should be reduced, and our solution is correct.

Dr. Kissinger: Again, I am trying to understand what the Special Advisor is saying. What exactly does the Special Advisor mean? What is the difference he makes between demobilization and reduction of military effectives?

Le Duc Tho: Military effectives should be reduced; it is one aspect of the problem, but not only military effectives should be reduced but the soldiers should be demobilized and return to their native place.

Dr. Kissinger: I understand, but as I understood the Special Advisor he said if the South Vietnamese reduce their military effectives, then there will be some corresponding reduction on the other side. Did I understand that correctly?

Le Duc Tho: Both sides should do the same.

Dr. Kissinger: Yes, but what is reducing military effectives? What does that mean?

Le Duc Tho: This means the reduction of the armed forces. It is fair and it will permit the avoidance of conflicts. I think this way of doing is very reasonable and logical, and if accepted we will be resolute in carrying it out.

Dr. Kissinger: Well, what do the South Vietnamese have to do?

Le Duc Tho: The two South Vietnamese will discuss in detail how to reduce military strength, how to demobilize troops. This is our proposal.

Now regarding Chapter II. I have been telling you many times on the wording of “innocent civilians.” And we don’t use also the word “prisoners of war.” We call them “captured servicemen,” “captured military men.” I have explained to you why we don’t use the word “innocent civilians.” The reasons I have given have been repeatedly mentioned. I think you should carefully examine our views. Because if this word is used it is possible that many captured people would not be released, for, political reasons. Therefore, we propose a formulation saying that “captured people, both military men and civilians.” I think that it is not a big question and I don’t know why you stick to this word “innocent civilians.” Because in South Vietnam it is there are innumerable people captured by the Nguyen Van Thieu Administration

under the pretext of political crimes. Therefore, I think after the end of the war both sides should release all captured people, military men as well as civilians.

Now let me speak about Chapter III, your draft. Now about the name of the body of power in South Vietnam. In order to reach an agreement . . .

Dr. Kissinger: Chapter IV?

Le Duc Tho: Chapter III.

Dr. Kissinger: See I have already accepted your document. I am treating yours as an official document. All right.

Le Duc Tho: In order to reach agreement with the U.S. and to moderate, compromise, between these two names, we think that an administration should be set up called the "Supreme Council for National Reconciliation and Concord." Then both, it will do both the reconciliation and the concord.

Xuan Thuy: [smiles] It is fair.

Dr. Kissinger: All right. When I say all right it just means that I have understood it, not that I have accepted it.

Le Duc Tho: It is another show of good will on our part, to try by every means to find a denomination acceptable to your side. Because it is the political problem we will have difficulty in solving.

Now the second aspect is the organization structure. I remember the other day you said that this organ of power is for all South Vietnam and that it may be organized down to the provincial level. But in your proposal you have no mention of this organizational structure. In our view the structure of this organ should be from the central level down to the village level. The reason why, I have mentioned many times.

The third question is the question of elections. We propose the wording "general elections and local elections." I think that local elections should be clearly mentioned. Naturally, the Nguyen Van Thieu Administration has had elections, and they don't call it local elections, but there were local elections.

Dr. Kissinger: That's new. You didn't have that in your last proposal.

Le Duc Tho: In the second document, in the "Agreement on the Exercise of the South Vietnamese People's Right of Self-Determination."

Dr. Kissinger: Oh, the second but not the first.

Le Duc Tho: In the draft agreement we wrote "election at all levels, from the central level to the village level."

Dr. Kissinger: But the document you handed us on Sunday just spoke of "free and democratic general elections." I understand.

Le Duc Tho: In the second document I gave you on the Exercise of the South Vietnamese People's Right . . .

Dr. Kissinger: Yes.

Le Duc Tho: And for the settlement of this question by the two South Vietnamese parties we propose a deadline of three months. It is your own proposal. And I think that we can reach agreement, the sooner the better.

Dr. Kissinger: How is it our own proposal?

Le Duc Tho: In the previous proposal that a couple of months ago when you said that after the ceasefire all the other questions should be settled within three months.

Dr. Kissinger: Oh, yes. I understand.

Le Duc Tho: It is long ago. So we agree to your proposal.

Dr. Kissinger: I understand. Now I have changed my mind again. You should have used your opportunity when you had it!

Le Duc Tho: Let me change the translation. We propose: "The two sides agree on the reduction of the effectives, of troops, and to demobilize the troops thus removed from the armed forces."

Now let me turn to Chapter V, Article 10. You wrote in your draft "The military demarcation line at the 17th parallel is not a permanent political boundary." We propose the wording in the Geneva Agreements. We write "The military demarcation line at the 17th parallel is only provisional and, as stipulated in the 1954 Geneva Agreement on Vietnam, not a political or territorial boundary."

Now Chapter VI, regarding the Joint Commission and the International Commission of Control and Supervision.

Dr. Kissinger: I just want to make sure that the Special Advisor isn't building up my confidence unnecessarily again. Does this mean that Chapter V except for this is now agreed to in principle?

Le Duc Tho: Only this sentence on the demarcation line.

Dr. Kissinger: All right.

Le Duc Tho: Only this sentence of it on demarcation.

Dr. Kissinger: Yes, I understand.

Le Duc Tho: Chapter VI, regarding the Joint Commission and International Commission on Control and Supervision. You propose a five-member commission. We propose a four-member commission, four countries, each side will introduce, will present, two countries acceptable to the other side. And when we make this proposal you said that it was positive. Now you propose five members.

Dr. Kissinger: Well, I think anything that eliminates India is a positive proposal!

Le Duc Tho: So we did no longer mention this question and we proposed a four-member commission. Today we propose Poland and Cuba. If you accept our proposal we shall accept Indonesia. But Japan

we will never accept. You should remember that Japan was invading our country for four or five years, occupied our country for four or five years. Now you have been using Japan as your military base for the war in Vietnam. So we can't accept Japan.

Now the principle of work. The Geneva Agreement of 1962 also stipulated that the principle of operation is unanimity. It is the same for the Geneva Agreement of 1954. So I think it is reasonable to propose that. These are my views on the International Commission.

Now regarding the international conference for guarantees.

Dr. Kissinger: Would the Cuban members also observe the ceasefire?

Le Duc Tho: When the agreement is signed this is the legal value of the agreement. Everyone should respect it.

Dr. Kissinger: You think the Cuban members will look at this problem somewhat impartially? We might prefer a North Vietnamese on the commission of control, after we have made peace.

Le Duc Tho: Because this is a four-member commission: two countries belong to our side and two to yours. It is fair.

Now regarding the international guarantees. The International Commission of Control and Supervision is not appointed by the international conference, so organizationally there is no link between the International Commission of Control and the international conference on guarantee. You propose that the international conference should guarantee the ceasefire. You are concerned about the resumption of the war. To take into account your concern we propose the following: "to insure the end of the war, the cessation of the war, to maintain lasting peace and stable peace in Vietnam." So when there is a guarantee for the end, the cessation, it means a ceasefire. But my idea, "to maintain lasting and stable peace in Vietnam," is a more logical formulation to propose.

Dr. Kissinger: Now where is all of this?

Le Duc Tho: Article 14, Chapter VI of your proposal.

Dr. Kissinger: "Stable and lasting peace" isn't written in there.

Le Duc Tho: Now we propose an amendment. Because you raised the question of the ceasefire, we add this sentence instead of the word ceasefire.

Dr. Kissinger: Would you give me the phrase again?

Le Duc Tho: "To guarantee the cessation of the war, to maintain lasting and stable peace in Vietnam."

Dr. Kissinger: Well, you "have to insure the ending of the war."

Le Duc Tho: "To insure the ending of the war, the maintenance of peace in Vietnam," to . . .

Dr. Kissinger: That's all, not "lasting peace."

Le Duc Tho: Lasting and stable peace in Vietnam.

Dr. Kissinger: In other words, you're going to give us a new one. All right.

Le Duc Tho: Chapter VII of your proposal. You propose to write the sentence that "the two parties shall use their maximum influence to settle the internal problems of Laos and Cambodia." We can assure you that after the end of the war in Vietnam, on questions concerning Laos and Cambodia we shall talk to our friends and come to an agreement and that may lead to an end to the war in these two countries. But as to write a sentence in the agreement, we can't accept. Particularly as you propose a sentence to settle the internal affairs of Laos and Cambodia.

Dr. Kissinger: I understand.

Le Duc Tho: But we propose a new amendment regarding Laos and Cambodia. This is a verbal statement to you. I have told you verbally, now I write down in the agreement. It is a big question too, and this shows our good will toward you.

Dr. Kissinger: I don't think your interpreter has the same good will as you do. He doesn't give us everything you give us.

Le Duc Tho: We propose this addition: "Foreign powers should put an end to all military activities in Laos and Cambodia, completely withdraw from Laos and Cambodia and refrain from introducing into these two countries troops, advisors, military personnel, armaments, munitions, and war matériel."

Dr. Kissinger: But is this an expression of a moral imperative or an actual commitment? This is an undertaking?

Le Duc Tho: This applies to you and to we too. It is not a unilateral undertaking, but it is applied to all foreign powers regarding Laos and Cambodia. So you mean that it is a unilateral undertaking?

Dr. Kissinger: No, no. Does it mean that when this agreement goes into effect this will be done?

Le Duc Tho: This will be so. When this agreement will be signed and when there is a solution to the problem of Laos and Cambodia we shall respect this principle.

Dr. Kissinger: Yes, but not until then? It's an important difference. If paragraph 15(b) is carried out as a result of this agreement, then it is satisfactory. If paragraph 15(b) is conditional on a settlement of the other issues then it is meaningless. I mean, we are prepared to carry out paragraph 15(b) as a result of this agreement.

Le Duc Tho: I told you the other day that the end to the Vietnam war will create favorable conditions to rapidly end the war in Laos and Cambodia, and you have my verbal statement. It is a great show of good will on our part. If you do not understand the meaning of that,

it is not right. You demand a very concrete statement; it is not correct. But after the settlement of the Vietnam conflict you will see how we will act on our part, as far as you are concerned, in bringing about a correct solution. If you push your demand too far, it is not conforming to reality. But as I told you, the end to the Vietnam war will create the condition for a rapid end to the war in Laos and Cambodia. Maybe Laos will go faster than Cambodia. Now they are talking; after the settlement of the Vietnam war the talk over there will go faster. What I told you has logic but you feel it not logic. But there may be things that are logic but that really are not. But in this connection this is really logical. So this is what I have to say about Cambodia and Laos.

Dr. Kissinger: I will answer you later. I just want to understand what you are saying.

Le Duc Tho: Your requirement is too much, constantly too much. And not conforming to reality. It has its limit. And from this limit, if you understand the limits, then progress is faster. The demand you have made makes the progress slower. So it is something conforming to logic. Let me now deal with another question.

[Xuan Thuy confers with Le Duc Tho]

Dr. Kissinger: I have enough troubles without the Minister to make our life difficult. [Laughter]

Xuan Thuy: No, I hint to him to facilitate the negotiations.

Dr. Kissinger: You recommended a concession?

Xuan Thuy: For flexibility.

Le Duc Tho: There is one more great major question I have not mentioned. That is what is called your responsibility in healing the wounds of war. I have raised this question on many occasions since we met. Then you promised to give a specific answer, but until now you have not. We have responded to many questions of your concern, but our questions of concern—and this is one of these questions—have been ignored. We should like to have a sentence in this document. We would have preferred to have a separate chapter, but taking into account your views you said that there would be an article in the chapter on relationship between the DRV and the U.S. So I propose the following article. We propose “The Government of the United States of America accepts to contribute to a program of post-war reconstruction and of economic development and of healing the war wounds in North Vietnam.” We have drafted a protocol, bilateral, between Vietnam and the U.S. I shall hand it to you. I think that this way of doing it is suitable. This is the last major question I raise to you.

In sum now the great questions. Regarding what you call the withdrawal of North Vietnamese troops, I have expressed my views to you. It is a big question of principle. If we don’t resolve it, it would be very difficult.

What you have said in your message, we should pay attention to the infiltration through Laos. So in this agreement, we have dealt with this question in two paragraphs.

Dr. Kissinger: Where?

Le Duc Tho: Let me tell you. First, regarding South Vietnam, we have mentioned that the two parties shall refrain from introducing armaments, munitions, war matériels, and troops into South Vietnam. Regarding Laos and Cambodia we shall do as I have just told you. So this insures, this guarantees, that we desire an end to the war. And it responds to your concern about the possible “infiltration” into Laos and Cambodia, and you should do the same way too. We have paid attention to what you said in your message.

Regarding the content of the message you sent to us, what you said about the ceasefire of indefinite duration, we responded to. We have a proposed sentence to add to it, and this sentence is stronger than you have mentioned here.

Your second concern is about the supervision of the infiltration route, so we have responded to add a sentence to it that “Foreign powers should put an end to all military activities in Laos and Cambodia, totally withdraw from and refrain from reintroducing troops, military advisers . . .”

Dr. Kissinger: Yes, but that’s conditional on a settlement in Laos. If it were not conditional on a settlement in Laos we would have no trouble with it. If paragraph 15(b) becomes an obligation under the agreement, then the Special Advisor is quite right, then all my necessities are taken care of.

Le Duc Tho: You demand that we should take into account your concern, but you never had thought for our concern.

Dr. Kissinger: No, we do too, but it is a problem for us.

Le Duc Tho: There is another question in your message, that is, what you call the North Vietnamese troops leaving. It is one very big question and I have been telling you for the past four years we will never accept it.

Dr. Kissinger: I understand.

Le Duc Tho: Now another point, about your proposal to release a number of American prisoners within one week of the signing of the agreement. This question had been met by the provision of the agreement. After the signing of the agreement there has been stipulated a period for the troop withdrawal, for the release of the prisoners. And we shall carry out all these provisions. But this question may be further discussed during your visit to Hanoi.

Dr. Kissinger: But after the agreement they are released to us, not to Cora Weiss. [Laughter]

Le Duc Tho: It is certain.

Dr. Kissinger: I mean not to us personally, but to the U.S. Government.

Le Duc Tho: So in sum we have made real efforts with a view to ending the war. And on many questions we have proposed a reasonable and logical solution taking into account your concerns. But once again, I would like to repeat that you should also take into account our concerns. It would be fair then and reasonable. I have finished my comment on the draft of the agreement you handed to us.

Let me now deal with other questions now. Now about the document on the "Agreement on the Exercise of South Vietnam People's Right to Self-Determination," we are awaiting your comments. And what you acknowledge on that, you will make a unilateral statement and to give that statement to us.

The document you have given us, there are some we think it all right; there are others we don't think it all right. But we don't give answer on that.

As to the recording of an understanding between us, there are some you have correctly recorded as we understand; there are others that are not quite. But the acknowledgements which constitute an understanding between us should not be published.

Now, regarding your trip to Hanoi. I may officially inform you that if today or tomorrow morning we come to an agreement here on the text of the agreement, then we are prepared to receive you on October the 19th, as you proposed. But if it could be sooner it would be more convenient to us for our programs of work, for instance, on October the 17th or 18th. As to your stay in Hanoi, it may be two days or three days. It will depend on the discussion and exchange of views we have over there.

Dr. Kissinger: But I have a voice in the length of my stay? [Laughter]

Le Duc Tho: Right. You propose two days, but if we can finish our talks sooner and you want to return to the States sooner it is up to you. If you want to stay longer and visit our country, it is up to you. The length of the stay is up to you.

Dr. Kissinger: Thank you.

Le Duc Tho: And if you visit Hanoi sooner and finish the work sooner, then the signing will be sooner, but if you finish later and visit later then the signing will be later.

Now as to your working program. The other day you raised the question who you will meet of our leaders. I would propose that you will meet our Prime Minister, Mr. Pham Van Dong, and our Foreign Minister, and if you wanted to meet others of our leaders then we shall see to that. But when you arrive in Hanoi we will exchange views on that because I will be there to receive you. We shall exchange views.

Dr. Kissinger: I look forward to that.

Xuan Thuy: And I shall be here to see you off. [Laughter]

Le Duc Tho: As to the subject to be discussed over there. Tentatively, I think there is the following items. First, regarding the agreement, we shall complete an agreement and discuss the signing of the agreement. We shall discuss also the long-term relationships between our two countries and all other problems of mutual concern. You may raise and we shall exchange views on that. If we have anything to convey to you concerning your trip we shall convey that through Colonel Guay. As to the announcement of your trip, we think that as soon as you arrive in Hanoi we will announce it simultaneously in Washington and Hanoi. But when you will leave, maybe two or three days after you have left, then we will announce. If you leave today, tomorrow we shall announce for instance.

Dr. Kissinger: That will be impossible because I shall arrive in Washington and they will know I am back. Oh, announce the agreement. We can announce the agreement two days after I am back, yes, but we announce the departure immediately.

Le Duc Tho: Yes. When you leave we announce immediately the departure.

Dr. Kissinger: That I have left. And two or three days later, the agreement.

Le Duc Tho: I would like to ask you for clarification. You mean that the agreement will be announced two days after you have left Hanoi? Does that mean that the publication of the agreement, the content of the agreement that we have signed?

Dr. Kissinger: My recommendation . . . I have to discuss all of this with the President. But my recommendation is that if we keep to this schedule then I would leave Hanoi on the morning of October 21st, your time. And we would announce the agreement on the evening of October 23rd, or the morning of October 24th your time. We would announce the fact of an agreement and we would publish it, and we would sign it a few days later in Paris. Announce my departure on the 21st, just two sentences. We announce the agreement 72 hours later. We make a brief announcement that there is an agreement and then we publish the agreement.

Xuan Thuy: So the full text of the agreement will be published?

Dr. Kissinger: Yes.

Le Duc Tho: So when 72 hours after you leave Hanoi, then we shall publish the agreement that we have.

Dr. Kissinger: That we have agreed to. But I must repeat, Mr. Special Advisor, there must be an agreement before I go there. We cannot negotiate the agreement there. It is too dangerous for both of us to go

there without an agreement. We may have a detail of a technical nature . . .

Le Duc Tho: So it is very basic to make an effort to come to an agreement here.

Dr. Kissinger: We must come to an agreement here, if we're going to have an agreement.

Le Duc Tho: As to the announcement of your arrival and your departure, it is a simple information. We shall exchange views with you when you come.

Dr. Kissinger: Yes, we have a text of what we propose. [Hands over Tab B]

Le Duc Tho: As to the signing of the agreement, it will be signed in Paris by the Foreign Ministers. Yesterday you asked the question on the agreement being signed by the four Foreign Ministers. I ask you this question: Do you mean that when the two, DRV and U.S., Foreign Ministers come to sign the agreement the other two come also at the same time to sign it?

Dr. Kissinger: We can draft the agreement either for four or for two.

Le Duc Tho: But it is the same and one document.

Dr. Kissinger: Oh yes, the document will be the same.

Le Duc Tho: The same agreement?

Dr. Kissinger: Yes.

Le Duc Tho: But the four will come and sign on the same day.

Dr. Kissinger: Presumably. But I am not sure that I don't prefer your proposal. This question I wanted to leave open for Saigon.

Le Duc Tho: All right. The main thing is that the two, DRV and U.S., Foreign Ministers?

Dr. Kissinger: Oh yes, this is agreed.

Le Duc Tho: But my view is that if the four Foreign Ministers shall sign then they should sign the same document and on the same day for convenience.

Dr. Kissinger: Well, it may be better to have it at two, but we'll have to see.

Le Duc Tho: Now regarding the technical questions on your trip, I shall give you answer later.

Dr. Kissinger: I have some of the details here. [Hands over Tab C]

Le Duc Tho: Let me add a few more questions. After the agreement is reached and your trip to Hanoi, maybe we both will exchange views on one more question, that is the question of after the signing of the agreement how the forums here should continue their work—the two-party, three-party, four-party forums—and settle the remaining questions.

Dr. Kissinger: I agree.

Le Duc Tho: I raise this question for you to prepare your program.

Dr. Kissinger: Well, we have to agree. If there is an agreement, then as soon as we announce it, the Avenue Kleber group should begin to meet immediately to work out technical arrangements for the ceasefire. Because unless they are satisfactorily resolved we won't be able to sign the agreement. Just technical arrangements, who stays where and who belongs to what.

Le Duc Tho: I have not clearly understood your view.

Dr. Kissinger: My view is that after we announce the agreement a number of things have to take place. First, there has to be an exchange of lists of prisoners. Second, there has to be—we say the forces should stand in place, but somebody has to define where that place is they are standing. And what standing-in-place means. Can they move one kilometer, two kilometers? I mean they cannot just not move at all,

Le Duc Tho: Let me stop you for a moment. Now I think that we should concentrate on this work. I raised this question to exchange views with you on the forums when we meet in Hanoi because we will have more time there. So let us concentrate.

Dr. Kissinger: But you should understand what will be necessary. We don't have to settle it now.

Le Duc Tho: The reason why I raise this question for you to think over it. But what you have just said is not clearly understood by me because you said after the signing of the agreement then the four parties . . .

Dr. Kissinger: No, after the announcement of the agreement but before the signing.

Le Duc Tho: So if you say this, then the agreement will never be signed.

Dr. Kissinger: Why not?

Le Duc Tho: Because if we go into the details then the views differ. Because a discussion may not be completed in one day.

Dr. Kissinger: That may be true, but it can be completed in one week. It can make some preliminary arrangements on the first day, but this document does not tell the military commanders what they can and cannot do.

Le Duc Tho: I disagree with you. I think that if the agreement is signed today then tomorrow the four-party forum should begin. It is not right the way you are doing it. It would not be signed. If you say so then the agreement would not be signed. The agreement should be signed before the work of the four-party conference.

Dr. Kissinger: Well, how can you have a ceasefire that has no technical provisions?

Le Duc Tho: So what has been done at the Geneva Conference in 1954 and 1962—the ceasefire, they observed it and the discussions began afterward. The way we propose the problem conforms to the principle. Without the official agreement then no discussion is possible. Therefore, there should be an official agreement signed and then we discuss.

Dr. Kissinger: No, the ceasefire went into effect afterwards in 1954, July 20 here.

Le Duc Tho: Only a few hours after the signing the ceasefire became effective.

Dr. Kissinger: Yes, but this had very precise provisions.

Le Duc Tho: At the Geneva Conference on Laos in 1962 and the Geneva Conference in 1954, then only the main provisions were decided, and afterward then discussions began to set up the joint military commission, how it worked and so on.

Dr. Kissinger: Yes, but it's to be foreseen that if your forces claim they are in a certain town and the Saigon forces claim they are in a certain town then the fighting will continue,

Le Duc Tho: You see in Geneva in 1962 and 1954, when the order of ceasefire was promulgated, then in all places the troops stopped shooting.

Dr. Kissinger: Except when I look at the map your areas seem to grow during these discussions considerably.

Le Duc Tho: You should remember that the war is now going on. There is not yet a ceasefire. You are still bombing North Vietnam in violation of your engagement of 1968. And I should point out that for the last few days the bombing has been very atrocious. The number of sorties have never reached this, over 400 sorties a day, and B-52 bombing was carried out up to the province, the city of Vinh. It is the first time for B-52 bombing in Vinh. And while we are discussing all these things, this bombing is carried on. I think this is something incorrect. The air raids were directed against the schools, villages, and so on. I would like to draw your attention on that fact. I would like to say that if we come to an agreement, then only a few days left before we end the war. It is unsatisfactory if you are doing this against North Vietnam. Then the wounds caused by these deeds to the relationship, long-term relationship, will take a long time to heal.

Dr. Kissinger: Well, if we come to an agreement this will be reflected in the intensity of the actions, to the day on which we have agreed on which they would stop completely.

Le Duc Tho: I have finished now.

Dr. Kissinger: All right. Maybe I can make a general comment and then let us have a break, because then perhaps the Special Advisor can think about it during the break.

First, I would like to point out a number of massive practical problems which are now presented to us. If we are going to meet the schedule that we have agreed to yesterday, it is absolutely imperative that I return to Washington tomorrow. Indeed I should return to Washington tonight but that is now impossible. There will be no possibility whatsoever to meet this schedule if we do not settle the text tomorrow.

Secondly, as you realize, we are very far from having anything like an agreed text, even on the points where we agree.

Thirdly, you have raised a number of issues of principle which will be extremely difficult for us, and some on which it is almost impossible for me to settle without a conversation with the President, and one or two of his senior advisors. Now, for example, I can tell you now that the President will never sign an agreement in which Cuba is one of the guaranteeing parties. I can't even go back with such a document for his approval. Not unless you want me to be unemployed the day I bring it back. [Laughter]

Xuan Thuy: You are a professor!

Dr. Kissinger: Oh yes. One of my associates has said that the one point on which both North and South Vietnam might agree after my next visit to Saigon is that I should withdraw after the agreement is signed. [Laughter] So we have this problem.

Now, we have a number of massive difficulties, some of which are psychological and some of which are real. We will have to defend this agreement against a public opinion which is three to one in favor of continuing the war, and against people who will accuse us of having betrayed the basic objective. I am giving you an objective analysis of the situation—I'm not arguing your points now. And without any question our critics will receive encouragement from Saigon.

On our schedule we have three days, less than three days, two and a half days, to gain the support of Washington and then three days to gain the support of Saigon. The more complexities this agreement has, therefore, even if they are of a primarily psychological nature, the more difficult it is for us. Moreover, we will be accused of having done this only because of the election, so from our point of view it is actually better to wait until after the election. I am trying to give you the reality of the situation, and I am not arguing now, because we haven't got the time to make long speeches.

Le Duc Tho: I will not debate.

Dr. Kissinger: Yes, but I am trying to give you a cold analysis of what we have.

Le Duc Tho: I will not analyze the situation.

Dr. Kissinger: Now let me tell you how I see your forces in the South. I recognize it is a question of principle for you. I recognize it is

a question of principle for you. I recognize also that if you observe this agreement in my judgment some of these forces will have to be withdrawn. For your own reasons, not because you're obliged to do it. Because if you cannot introduce any equipment, supplies, you cannot keep all these forces there. So as a practical matter that is actually not a matter whose outcome will be very different whatever we decide at all. Yet in the American mind the first question that I shall be asked at a press conference, where I will be the chief advocate of this agreement in America, will be about your forces. And you will see that when we make an agreement I will be the person who will put it over with public opinion. Just as I did our agreements with the Soviet Union in Moscow on strategic arms. So the first question I will be asked is about your forces.

As far as I'm concerned, speaking realistically, I believe that the guarantee for peace in South Vietnam will depend on the relationship you and we will develop and the relationship that I hope to start when I come to Hanoi. If the agreement breaks down, because you feel you have been cheated, you have demonstrated amply your ability to bring your forces back into South Vietnam. So our long-term objective in dealing with you would be to create such a relationship between the Democratic Republic of Vietnam and the United States that you will not want to start the war again.

Now I have no particular need, there's no particular need to put any specific provision into the agreement as such. But if there were some unilateral movement of your forces, of the nature that Governor Harriman claims he observed in 1968, not required by the agreement but observable and of a nature which—we recognize that you will not give up your basic military position in the South, and we're not asking that.

Now on Laos and Cambodia, I recognize the subtle statements of the Special Advisor and I think you have a very serious problem. But we have a very serious problem too. Now I recognize also that you probably could not, even if you wanted to, be certain when the war in Cambodia will end. But I think between you and us we could bring about a ceasefire in Laos and therefore put into operation the provisions of Article 15(b) with respect to Laos. We're not doing this to press you, because, as I said to the Special Advisor yesterday, no one can survey, no group can have an absolute surveillance of the Ho Chi Minh Trail.

There are a number of other problems which we can discuss as we go through the document, for example—but these are not so massive—such as the deployment of our forces and similar matters. But I will reserve these comments until we go through the document.

But realistically, we now have an enormous job ahead of us. We must settle several issues of principle and we must get an agreed draft

of an agreement—in which your language in almost every paragraph, even when we agree, is so different from ours. Now some of your comments we can accept. Some of the changes you want to make we will be able to work out—I'm not raising that.

But I want to make these observations so that you can reflect about them before we take a break, because maybe what we should consider during the break is putting the whole schedule back for a week. So that we can study it in Washington, you can study it in Hanoi, or whether we interrupt for three days, and I come back here on Sunday. There are any number of possibilities. These are all possibilities; I'm not proposing it. But you are asking me to finish this today, take it back to Washington, impose it on our government in three days, take it to Saigon, impose it on their government in three days, all of this in a document in which there are a number of clauses which are enormously ambiguous.

I want to say only one final thing, Mr. Special Advisor. You will find that when this agreement is signed that I will be the strongest defender of this agreement in the United States. And indeed I will have to carry the principal burden of its defense. So I am speaking from that point of view as a collaborator with you. So if we can perhaps take a break now.

Le Duc Tho: Let me speak a few sentences. In your analysis you have referred to your difficulties, psychological difficulties, and other difficulties. You should understand that we too, we have difficulties. We have also our requirements. You are responsible to your people but we, we are also responsible to our fatherland, to our people. We have expressed lengthily our views, and we have made great effort. If we can't come to an agreement, a settlement, today and tomorrow, then we have no other way to settle the problem.

You said you don't want to settle now and to wait until after the election. It is up to you. The previous meetings and yesterday we have agreed to a schedule in order that we should concentrate our effort to come to a settlement. But now you propose another schedule. So you change one thing on which we have just come to agreement. It is not a serious attitude. It is not a serious attitude to settle the problem. You have your program of work; we have ours too. So if both sides are willing to settle the problem, then we are prepared on settling, but if you don't then no such plan is possible because there is no other way. It is what I have frankly told you, frankly and straightforwardly told you. So if you want a settlement then there is not many ways to come to a settlement. We are in the same position. But if you don't want a settlement, then we too. If you want to stop the negotiations then we are prepared to do that. It is something real. So let us now have a break.

Dr. Kissinger: Let us now have a break, and then go through the document section by section and do it concretely and not theoretically.

We should change the schedule only if we have no other alternative. And my experience with the Special Advisor is that: he never gives up.

Le Duc Tho: Because you speak of your own difficulties and you don't take into account ours.

Dr. Kissinger: No, I recognize that. We both have our difficulties. We have fought for ten years. There is an enormous chasm. We have to find a way now. We have enormous distrust, and we probably both have associates who have their own requirements, so we both have a very complicated assignment. I realize this and we should go through this document now article by article with the spirit of finding a solution. I do not think it would be good now if we go off and redraft one and give you a new document. We would never reach an agreement. So, let us just go through it. Then perhaps while we cannot settle tonight we will put it aside tonight, go over it again tomorrow and then perhaps see whether we can finish it.

Le Duc Tho: I agree to this way of working.

[The meeting broke at 6:48. During the informal conversation Dr. Kissinger commented that Xuan Thuy was not wearing the tie Dr. Kissinger had given him. Le Duc Tho replied that Thuy would not wear it until an agreement was reached. The meeting reconvened at 8:04 p.m.]

Dr. Kissinger: Mr. Special Advisor and Mr. Minister, I obviously have not had an opportunity for a detailed study of this, and I have not been able to find a solution on our most difficult problems, which I mentioned to you previously. And it is, I repeat again, an extremely difficult problem for us to be able to explain how we could accept restrictions on our supply of assistance while your side is totally unrestricted in Cambodia and Laos where your base areas are.

But let us leave that aside for the time being, unless the Special Advisor has in the meantime found a solution for it.

Le Duc Tho: [Shakes head] I have told you the last minute we have a provision in the agreement not to introduce armaments and war material into Laos and South Vietnam.

Dr. Kissinger: Yes, but maybe it is a lack of understanding on my part. That is provision 15(b) in your agreement?

Le Duc Tho: 15(b).

Dr. Kissinger: Right. If that provision is in effect when the agreement is signed, then I will no longer bother the Special Advisor.

Le Duc Tho: But I myself would not bother you only on that question. I have many other questions to bother you, the question of healing the war wounds for instance. You wanted to worry me but you do not want me to worry you.

Dr. Kissinger: I was just going to make a concession to the Special Advisor on something else. Now I have to reconsider it.

Le Duc Tho: Please go on.

Dr. Kissinger: All right. Let's go through the agreement and then let's put aside the very difficult issues until tomorrow. Incidentally, I must leave tomorrow; there is no possibility of my leaving later than tomorrow.

And as I see it there are three possible outcomes. One, that we agree and I can give you assurance of its almost certainly being accepted in Washington; two, that we agree in a way that leaves uncertain whether Washington will in fact accept it, in which case I would have to tell you that we need 48 hours to examine it; and three, that we don't agree at all.

Le Duc Tho: For me I can think that there are two alternatives, two possibilities. First, we can agree; second, we can't agree. As to the alternative of 48 hours needed to have in Washington, I don't visualize this alternative. Because you can speak directly with the President through telephone but we, we can't do that. Moreover, you represent the President; you have full authority to settle here as I am representing here and have full authority to settle here.

Dr. Kissinger: I have authority up to a certain point. But let's see where we are. We can decide tomorrow.

All right, we agree to the preamble. We agree to moving the Chapter back to Chapter I. With respect to Article 1 we recommend that the ending in what is now Article 2—I am operating from our old draft because our English is better than yours—we would like to put in after the definition, the time of the hour of the ceasefire, we would just like one sentence: "The ceasefire shall be of indefinite duration," or "shall be without limit of time." This is a phrase we can pick up when we . . .

Article 3, your Article 3, we think that your language here is too precise and that our language was better. Just what is to be prohibited can be worked out after the agreement. This is clear enough.

One other point which the Special Advisor did not make. I am picking up every point, even those that the Special Advisor did not make to me personally. You have the point that "the United States undertakes to remove all the mines;" we have "undertake to assist the DRV in the complete removal . . ." We are prepared to do the major work, but we cannot sign an agreement that gives us this total responsibility. But in practice we will be prepared to do the major work. Because we know how to do it.

Le Duc Tho: But you have laid the mines and now you are only to do the greater part of the work. Then who will do the remaining part?

Dr. Kissinger: These mines deactivate themselves after a certain period of time, so it will be an academic question. We know which is which.

All right, with respect to our Article 3, your Article 4, we agree to eliminate “upon the completion of the withdrawal,” but we want “after the agreement goes into effect.”

Now, on our old paragraph 4, your Article 5, we have this difficulty with your language. If your language wants to specify military people doing certain jobs, then we think it is unnecessary, because we’ve already said “all military people.” If your language means to include civilians, then we cannot accept it, except for civilian advisors to paramilitary organizations. We can understand why you would not want to list that normal military attaché functions will be maintained, and we agree to delete the sentence. But we tell you orally that they will be maintained. But we can understand why you do not want it mentioned.

Your Article 6 and our Article 5 are identical. The end of your Article 5, about aircraft carriers. We cannot accept any legal inhibitions on the deployment of our aircraft carriers because that is inconsistent with our position with respect to the international law of the sea. But we will repeat our assurance of yesterday that we will keep our aircraft carriers a distance away from the coast.

Le Duc Tho: 300 miles.

Dr. Kissinger: Yes.

Your Article 6 is the same as our Article 5.

Our old Article 6, your Article 7. We agree to drop the sentence about the level of military aid.

With respect to replacement, we want to say it as follows: “After the cessation of hostilities the two parties shall be permitted to make periodical replacements of armaments, munitions, and war materials equal in quantity to that being replaced.”

Now let me take the last paragraph of our old paragraph 6, the one about the parties will exchange lists of the dispositions of their force. We agree to drop this paragraph. But the problem remains, that it was going to address. I want to see whether the Advisor and I can find some practical solution, without language here, and therefore I agree to drop the paragraph.

Le Duc Tho: I shall answer you later.

Dr. Kissinger: All right. Also I agree to drop the previous paragraph with respect to the introduction of war materials into Laos and Cambodia.

Le Duc Tho: Yes, this has been mentioned.

Dr. Kissinger: Yes, because either we can clarify paragraph 15(b) in which case it will be unnecessary, or we cannot clarify paragraph 15(b) in which case it will be meaningless. So I have agreed to drop these two paragraphs here in the interest of making progress.

I just told my assistant to make sure I don't give away too much to you. [Le Duc Tho smiles.]

Your Chapter III, our Chapter II, we have the following suggestion. We understand that you do not want to say "prisoners of war." We therefore agree to saying "captured military personnel." We want to maintain the phrase "innocent civilians."

Then we would like to add to the end of Chapter III the following point and call it "(c)": "The question of other Vietnamese civilian personnel detained in South Vietnam and not covered by (a) above will be resolved by the South Vietnamese parties."

On the issue of replacement you understand the unilateral statement we have given you; that is not changed. That we gave you yesterday, our definition of replacement.

Le Duc Tho: I have read the document you gave us yesterday but it is too difficult to understand.

Dr. Kissinger: It's only three lines.

Le Duc Tho: The translation is difficult to understand. What is your idea? Please explain it.

Dr. Kissinger: The idea is that if there should be an introduction of weapons into North Vietnam of a quantity that is sufficient to change the military situation drastically, then we would have to take this into account in defining what the need for replacements is. Conversely, if this is not the case, we would be stricter in judging the need for replacements.

You are familiar with our unilateral statement on prisoners that we believe it is essential for you to give us, about prisoners in Laos and Cambodia? We've given that to you. It's a statement by you to us. Of course you can choose your own language, but it is more or less what you have already told me.

Le Duc Tho: I understand. When I have said something I do not change my mind. But I shall rewrite it and make it clearer. But you should do the same.

Dr. Kissinger: What should I rewrite?

Le Duc Tho: When you said something you should not change it.

Dr. Kissinger: I don't think I change when I have said something. What have I changed?

Le Duc Tho: So this is what I told you. I shall keep what I have said, but you should do the same.

Dr. Kissinger: I agree with you. That will be the case.

Le Duc Tho: Only in this way can we have mutual understanding and mutual trust and there should be some mutual trust so that we can work together.

Dr. Kissinger: I think it is essential.

Le Duc Tho: This is what I want to say.

Dr. Kissinger: Absolutely. Now, Article 9(a) through (d) we accept. [They search through their papers.] Does the Advisor have a problem with my accepting something?

Article 9(e), I have two suggestions. You say “the two South Vietnamese parties will achieve national concord.” They can strive to achieve national concord but how can we be sure they will succeed? I am just being pedantic. They will strive to do it. It is more logical.

Le Duc Tho: But it is more positive in our way of expressing it.

Dr. Kissinger: Well, I will state my view. If we finally get everything finished except “strive to” we shall probably find a compromise. If the Special Advisor gives me satisfaction on our two big points we can probably find a solution here. [Laughter] How would the Special Advisor feel if we said they “will try to achieve national reconciliation and concord” to correspond to the tasks that his Council has?

Le Duc Tho: Yes.

Dr. Kissinger: Yes, otherwise we have no trouble with (e).

We think that your paragraph (i) should precede your paragraph (f). It would be more logical.

Now I have another pedantic point. “The parties shall sign an agreement as soon as possible”—I have no trouble with this. And I certainly share the hope that they will do it no later than three months. But should we not say this—should we not say “And do their utmost so that it will occur in no case later than three months.”?

Then in paragraph (f) we accept the phrase Council for National Reconciliation and Concord, but we drop the word “Supreme.”

Le Duc Tho: But it should be a supreme council.

Dr. Kissinger: I know but . . . and we want to drop the phrase “an administration called the National Council.” We should say “there should be formed a council . . .”

Now with respect to subordinate bodies, we would like to say “the parties will consult, or will agree, on the appropriate subordinate bodies.”

You have “to see to and to supervise.” We want to say “to oversee.”

Le Duc Tho: Please go on.

Dr. Kissinger: Then we want to say “The Commission will organize free and democratic elections as determined by the parties,” instead of specifying what they are. And we would prefer to say “the procedures and modalities.”

We can accept your (g).

Wherever it says “concord” in yours and “reconciliation” in yours we just automatically put in “reconciliation and concord.” I don’t repeat it every time.

Xuan Thuy: This is a way to reconcile. So you have practiced it.

Dr. Kissinger: Whenever one of us mentions Laos and the other Cambodia, let’s just say “Laos and Cambodia.” [Laughter]

Xuan Thuy: We are talking about Vietnam; you extend too much the negotiations.

Dr. Kissinger: The Minister wants to have another set of private negotiations extending over another four years.

Xuan Thuy: I can stay as long as Mr. Special Advisor.

Dr. Kissinger: That has been our experience! We are willing in your (h)—in our (i)—to add the phrase “it will not join any military alliance or bloc.” All right? Your Article 10, we propose to say it as follows: We propose to say “As stipulated in the 1954 Geneva Agreements on Vietnam,” and then “the military demarcation line . . .” and then use exactly your language.

We then in this Article 10 begin the last paragraph with “pending reunification,” and we say “shall not join any military alliance or any military bloc.” This follows the Geneva Accord.

Now we come to the Joint Commission. Let me make a general point about the Joint Commission. The part that our legal people will study most carefully is the section on international supervision. I don’t share their enthusiasm for international commissions myself. After all, there was a guerrilla war going on in South Vietnam for four years and the International Control Commission never found the slightest evidence of it. So our experience with international commissions has not been all that overwhelming. And with all due respect, you have not found them too restrictive, whether they voted by unanimity or by majority. [Laughter]

Le Duc Tho: But primarily they can’t restrict you.

Dr. Kissinger: Well, we’re not going up and down the Ho Chi Minh Trail—to my great sorrow.

Le Duc Tho: But you are always recalling the Ho Chi Minh Trail. Probably you like it. [Laughter]

Dr. Kissinger: I’d like to return it to the elephants who live there. [Laughter] So, as I understand it, in Laos it votes by majority; in Vietnam it votes unanimously. In neither place has it discovered exactly what is going on.

Le Duc Tho: [laughing] You are right.

Dr. Kissinger: So here we have a problem which is partly of public relations. If we say that the international commission operating unani-

mously, and containing Cuba, is supposed to inspect the two parties who are not likely to be very enthusiastic, and who are to inspect each other through commissions that operate unanimously, I don't think that even the most devoted adherent to international commissions in America will be persuaded that we have an exactly airtight agreement. So, while I understand the operation of unanimity of the commission, there should be a majority rule on the International Control Commission—which probably means that the majority will be against us. So this is a conceptual problem we have with respect to the international control.

Also, incidentally, I notice that the Special Advisor has dropped one of the proposals that he made to me which I was particularly fond of, and I wanted to make sure that it wasn't by neglect. That the Supreme Council should operate by unanimity. I want him to know that I take him with the utmost seriousness.

Now, therefore, I would like to submit for your consideration the following with respect to the international commission. One, we can drop the requirement that the Secretary General appoint the fifth member. We could say that the fifth member should be elected unanimously by the other four, and after that we could say that the council would operate by the principle of majority.

Xuan Thuy: Well, the fifth member will be chosen . . .

Dr. Kissinger: By the other four, unanimously.

Xuan Thuy: So they choose in agreement, in common agreement.

Dr. Kissinger: Yes. Now in Article 13, in order to avoid the question to whom the Control Commission should be responsible, we have put in the phrase "until the international guarantee conference makes definitive arrangements." We interpret this to mean that we do not exclude that the international guarantee conference makes the arrangement that they are responsible to the parties. We simply do not offer this now. We make this as a compromise.

I have the impression that if the Minister wanted to he could spend two years just discussing Article 13. He spent 18 months just discussing it on Laos. [Xuan Thuy laughs]

Now Article 13, with respect to Article 9(g), you have the International Commission of Control supervising Article 9(g) only at the request of the two South Vietnamese parties. If you mean at the request of either of the two South Vietnamese parties we can of course accept it. And therefore this is what we suggest, or to delete it.

Le Duc Tho: So you propose to delete the complete Article 9?

Dr. Kissinger: No, in Article 9(g) I want to delete the phrase "at the request of the South Vietnamese parties." But I don't object to saying "at the request of either of the two South Vietnamese parties."

You understand, we have to study this more carefully than we have had a chance to; these are preliminary comments.

Now Chapter VII. Before I saw the Special Advisor's draft we made a draft of this which shows him. But it is undoubtedly too ambitious for the Special Advisor. [Hands over separately typed copy of Chapter VII, Tab D]

Le Duc Tho: It is sure.

Dr. Kissinger: But our major problem is to define what 15(b) means. We can accept yours if you will tell us what 15(b) means. I have a practical suggestion on 15. My practical suggestion is this: We can accept your 15 if we can have a mutual understanding to this effect. [Hands over U.S. draft "Mutual Understanding," Tab E] Not the long one, the short one. [Mr. Phuong reads it.] Then I think Article 15 would be essentially satisfactory—assuming that a ceasefire would bring 15(b) into operation.

Article 16 is unchanged. That is agreeable.

Now on Article 17. We also agree to Article 18 in case there is some suspense! [Laughter] But Article 17 . . .

Le Duc Tho: You want us to give you an understanding on many questions but you yourself never give first an understanding on this question.

Dr. Kissinger: No, I want to talk on this question seriously. First of all, you have to understand that this is not a decision which the President can make. It is a decision which the Congress makes. Secondly, we are having new Congressional elections on November 7th and we have no precise idea what that new Congress will bring. And I'm speaking with you openly, and you can check with your friends in America. Thirdly, the Congress has been cutting every year the budget for foreign economic assistance. Our budget for this year, the entire budget, is, what, \$2 billion for all the countries in the world. To give you some idea, South Vietnam is getting approximately \$700 million and it is considered an ally. On the other hand, we are prepared to undertake a program in North Vietnam. I can assure you that to write it into a formal peace agreement between us would be a disaster for both of us. We are prepared to make a public declaration to the effect that I have given you.

Secondly, we should move after a ceasefire very rapidly to improve our political relationship.

Thirdly, in this context we could then send an economic mission to North Vietnam very quickly.

Fourthly, we could encourage the World Bank to make a very rapid survey. Mr. McNamara is somebody we know very well. We were subjected to violent disagreement, to violent criticism, last year when

it was said that we had mentioned the figure of \$7.5 billion a year during our negotiations in the summer. That was for all of Indochina.

And finally, it is essential when I defend this agreement before the press and before the Congress that I can say we are not paying any reparations and we did not agree on any sum. But I can assure you that within six months of the agreement we will find a way to make several hundred million dollars available and that during that time we will mobilize a longterm program. This is the unilateral statement [hands over U.S. statement at Tab F]. You already have our statement. It's what you already have.

Le Duc Tho: You have expressed your views on one of the major questions but you have not satisfied us. Last year you said there would be \$1.5 million [*billion*]² for all Indochinese countries a year.

Dr. Kissinger: Yes.

Le Duc Tho: And the recent bombing during the recent period has caused tremendous damages, and now you are reducing the sum you will allot. And your statement is not clear yet.

Dr. Kissinger: I am not reducing the sum. I am giving you a realistic picture. It is very difficult for us to give you a realistic figure while we are conducting secret negotiations, and while we are at war. Once peace is restored—I still believe the sum of \$1.5 billion is possible. It was based at that time on the best judgment of our experts of what we could obtain. It is in fact probable that if genuine peace occurs in Indochina this sum can be met or even exceeded, especially if we take international consortiums into account, under our leadership.

Le Duc Tho: Have you finished?

Dr. Kissinger: Yes Mr. Special Advisor.

Le Duc Tho: Please let me speak a few sentences and I would propose that we shall resume tomorrow morning. In the morning. Does 10:00 suit you?

Dr. Kissinger: Yes. But I am getting somewhat concerned now about how we are going to finish this. Just technically. We will redo our document tonight to incorporate our best judgment of what we have offered you. We will not put in anything new. It will just contain what we have discussed here.

Le Duc Tho: May we decide that we shall begin at 9:30?

Dr. Kissinger: Yes, if that's agreeable to you, I would prefer it.

Le Duc Tho: Now I would like to draw your attention to a few questions. First, I would like to speak about the healing of the war wounds. I still remember that Mr. Special Advisor has told me once

² The bracketed correction was supplied by the editor.

or twice that you can write one sentence in the agreement. And we have taken into account your views. And we have put this sentence in the chapter on the relationship between the DRV and the U.S. It is a very reasonable and logical sentence, and if it is not accepted then I feel it very difficult to accept by us. The wording of this sentence is very flexible. I believe that this sentence will be welcome by the American people and the world people. They can have no other reaction. I am firmly convinced of that. And this sentence you are unwilling to accept and put there, and a question I have raised to you so many times. Because if you satisfy our concern on that subject then we shall show our good will toward your concern on other issues. And what we have raised here is something very legitimate. You should remember that you have been destroying North Vietnam for decades now. And President Nixon himself has said that he has the responsibility to shoulder this work. President Nixon has made an explicit statement but the sentence we put here is . . .

Dr. Kissinger: What we have to do, Mr. Special Advisor and Mr. Minister, is to find something that does not so irritate the people that have to give the money that it will have the opposite result of what you want. What I propose is the following, Mr. Special Advisor: Not as a separate Article but as part of Article 16. Let me draft a sentence overnight which will have the right moral attitude for Americans and which will satisfy your point in a spirit of good will. And I will bring it in here for your consideration tomorrow morning. But I accept to add one sentence to Article 16.

Le Duc Tho: I recall to you here President Nixon's statement, and if you accept to rewrite President Nixon's statement it is all right.

Dr. Kissinger: What did he say? It is the first time I have heard any Vietnamese official refer to President Nixon approvingly.

Le Duc Tho: "Once the war is ended we will assume our responsibility in helping the belligerent countries that have participated in the war in healing the wounds of war." Excerpt from President Nixon's statement published in *U.S. News and World Report*, published in June 26, 1972.

Dr. Kissinger: Can we put it in here as a quote? [Laughter] I was thinking of finding a statement along these lines to add to paragraph 16. I expect that we will add a sentence to Article 16 which embodies this thought. And we will bring it in tomorrow.

Le Duc Tho: But we still think it more logical to keep it into separate articles. Article 16 deals with the relationship of the DRV toward the U.S. Article 17 deals with the U.S. attitude toward the DRV. Not only from the logical point of view but the point of view of style, of literary wording.

Dr. Kissinger: I know you want it partly for symbolic reasons. But if you press it too hard you will get the statement and not the support.

Le Duc Tho: In my view if you make this statement now it is to your benefit. There is no harm to you. Our people, as you know, have experienced war for so many years. There is a big gap between our people and your people. Such a statement put in the agreement would help rapidly healing the wounds that have impaired the relationship between the two countries.

Dr. Kissinger: But may I ask the Special Advisor the following question? Why would it not be morally more significant if we make this agreement and at the same time make a public statement which can go much further separate from the agreement? It would be much easier for us to make a public declaration when the agreement is signed, or even when the agreement is announced.

Le Duc Tho: This sentence put in the agreement not only has an economic meaning to us but also it has a significance of the responsibility you assume. But it has also a political significance to our people too. And our people after the war, when they read the agreement and they see this article, then their feelings, their attitude toward the United States Government would be better than if not. So this sentence is not only for us but also for you, beneficial to both sides. What I have just told you is something very practical, very real. I have read this question to you every time we meet. This is our last requirement in the agreement. It would be very difficult for us if we can't have such a sentence recorded. Please think over and I hope you will settle the problem.

Dr. Kissinger: As I said to you, Mr. Special Advisor, if we can find a satisfactory solution to all other problems, I will bring with me tomorrow a sentence or two which is also more meaningful to Americans, to take account of your problem.

Le Duc Tho: We can tell you that if you offer a satisfactory solution you will see that we are also reasonable people. Therefore I have told you several times that you should understand us. We will not yield to any pressure, but when we settle the problem we are reasonable people. So please tomorrow, please take into account our view in a satisfactory way and to have a concrete statement. And we shall have something to respond to that.

Dr. Kissinger: That is fair enough.

Le Duc Tho: And to have a satisfactory response to that, we can build up this agreement.

Dr. Kissinger: I understand. Now may I say the questions to which I will need a response, because I will be asked them: What happens to your base areas outside of Vietnam? In other words, a restriction on importation of military equipment that does not affect the base areas

will come under violent attack. Secondly, what happens to the infiltration? And thirdly, the troops? But I will give you an answer to this and I will bring you some sentences.

Le Duc Tho: But you should give us a concrete statement.

Dr. Kissinger: Yes, I understand. I will take what you have given us and try to put it into a language our people understand.

Le Duc Tho: Let me draw your attention to a few other points. Particularly the question of captured military men and civilians. It appears that this is a question in a chapter which seems to have no importance at all. But it has its own importance. Because over the years innumerable cadres and civilian personnel of the PRG have been jailed by the Saigon Administration. It is tremendous suffering for the prisoners. If now the war is ending and these people are still in jail, please imagine what we are feeling in this situation. Therefore it is our view that after the ceasefire all these people should be released. I think it has been done in the same way at the Geneva Conference of 1954. Please give great attention to that.

Now I have raised another question. Regarding the International Commission there are still a few points left on which you should pay attention to our views,.

So tomorrow we shall meet again. As far as we are concerned, we shall make an active effort to finish the building up of the agreement.

Dr. Kissinger: So shall we and if both of us are making an effort I am convinced that we shall get results.

Le Duc Tho: Only there is tomorrow left, so if we have something we should speak it out.

Dr. Kissinger: But we may have to do the following, and decide at the end of the day tomorrow. We may have to delay our schedule by one day, in other words, that I would come to Hanoi on the 20th instead of the 19th. I must have three days in Washington and, Mr. Special Advisor, when you get to know America better you will think that this will be a superhuman effort to get this accepted in Washington by everybody who will have to defend it. Because if we don't make a peace that has genuine support it will not last.

So I need three days in Washington and I must have three days in Saigon. Maybe I can do it faster in Saigon, but I do not want to put myself in a schedule where I can be blackmailed. So at the end of the day tomorrow we decide what the schedule shall be. We'll look at the agreement and we'll decide.

Le Duc Tho: And tomorrow after the agreement is achieved we shall discuss the concrete schedule. If there is no agreement tomorrow then the schedule is quite different. But we shall do an effort.

Dr. Kissinger: We will make a big effort, both of us. When I gave the Special Advisor three possibilities he rejected one of them; he gave me two. Let's reject the possibility that there will not be an agreement.

Le Duc Tho: I agree with you that we should make an effort.

Dr. Kissinger: We will both make a big effort. We have come so far over four years.

Le Duc Tho: But it is possible, and there have been many cases like that, that we have covered nine-tenths of the distance and only one-tenth is left and if we don't make an effort we don't reach our destination. But we will not leave the one-tenth uncovered.

Dr. Kissinger: No, we shall make a big effort tomorrow. And if we should then fail we can discuss what to do.

Le Duc Tho: If both sides make an effort we shall achieve our objective unless one of the two fail to make an effort.

Dr. Kissinger: Well, it will have to be the Special Advisor then—he will have the full responsibility.

Le Duc Tho: [Laughs] You, not me. If we fail then we do not need discussions of what we should do.

Dr. Kissinger: The tragedy if we fail is that then there are about a thousand adjectives the Minister has not used yet. They will be lost to literary history. [Laughter]

[The group then got up from the table.]

Le Duc Tho: So we have a very strenuous day. But you have given me too much pressure.

Dr. Kissinger: No, I will be your strongest defender when we make the agreement. We will see what will happen when we announce.

Le Duc Tho: What will happen?

Dr. Kissinger: Great commotion.

Le Duc Tho: Great commotion but a good one.

Dr. Kissinger: It will start developments in a good direction. What we should discuss in Hanoi, or perhaps tomorrow, is the first few weeks after the announcement, there will be great confusion. So that we then must manage the affairs so that we keep going in the direction that we have started. That will require wisdom and trust on both sides. Because the most important event of this agreement will not be to end the war but to start the road toward friendship which lasts. We have always made armistices; we have never made peace, and that's what we must do now.

Le Duc Tho: We shall make an effort and we shall reach our goal.

Dr. Kissinger: I believe that also.

[The meeting ended at 9:55 p.m.]

24. Memorandum of Conversation¹

Paris, October 11–12, 1972, 9:50 a.m.–2 a.m.

PARTICIPANTS

Le Duc Tho, Special Adviser to the DRV Delegation to the Paris Peace Talks
 Xuan Thuy, Minister, Chief DRV Delegate to the Paris Peace Talks
 Phan Hien, Adviser to the DRV Delegation
 Nguyen Xuan
 Nguyen Dinh Phuong, Interpreter
 Mr. Thai, Notetaker
 Second Notetaker

Henry A. Kissinger, Assistant to the President for National Security Affairs
 Major General Alexander M. Haig, Jr., Deputy Assistant to the President for
 National Security Affairs
 Winston Lord, NSC Staff

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 856, For the President's Files (Winston Lord)—China Trip/Vietnam Negotiations, Sensitive, Camp David, Vol. XX [2 of 3]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at 108 Avenue du Général Leclerc in Gif-sur-Yvette. All brackets are in the original. The tabs are attached but not printed.

Upon returning to Washington later the same day (October 12), Kissinger and Haig went directly to meet with President Nixon in his hideaway Executive Office Building office. (Haig, *Inner Circles*, p. 299) Rather than writing a report, Kissinger gave a verbal account of the meeting. He first told Nixon: "Well, you got three out of three, Mr. President. It's well on the way." Nixon replied: "You got an agreement? Are you kidding?" Kissinger answered: "No, I'm not kidding."

As Kissinger attempted to provide details, the President peppered him with questions and comments about the settlement, the events leading up to it, and Nguyen Van Thieu's agreement. When Kissinger told him that the agreement represented peace with honor, Nixon stated: "Henry, let me tell you this: it has to be with honor. But also it has to be in terms of getting out. We cannot continue to have this cancer eating at us at home, eating at us abroad. Let me say, if these bastards [referring to the South Vietnamese leadership] turn on us, I—I am not beyond [unclear] them. I believe that's, that's what we're up against." Nixon then added: "I am not going to allow the United States to be destroyed in this thing." (National Archives, Nixon Presidential Materials, White House Tapes, Executive Office Building, Conversation 366–6; transcribed in *Foreign Relations*, 1969–1976, vol. IX, Vietnam, October 1972–January 1973, Document 9)

Haldeman recalled that Nixon "kept interrupting Henry all through the discussion. He obviously was all cranked up and wasn't listening to the details." The group concluded, according to Haldeman, that "the real basic problem boils down to the question of whether Thieu can be sold on it." (*Haldeman Diaries: Multimedia Edition*, October 12, 1972; quoted in *Foreign Relations*, 1969–1976, vol. IX, Vietnam, October 1972–January 1973, Document 9)

In contrast to Nixon's and Kissinger's exuberance, Le Duc Tho reported matter of factly to the Politburo in Hanoi. After reciting the major points on which he and Kissinger had agreed toward a settlement, he concluded: "In summary, the goals that the Politburo set forward have essentially been achieved. Three difficult issues still remain: replacement of weapons, political prisoners, and the international commission." (Message from Le Duc Tho and Xuan Thuy to the Politburo, 12 October 1972, in Doan Duc, et al., compilers, *Major Events: The Diplomatic Struggle and International Activities during the Resistance War Against the Americans to Save the Nation, 1954–1975*, volume 4, pp. 343–344)

John D. Negroponte, NSC Staff
David A. Engel, NSC Staff—Interpreter
Peter W. Rodman, NSC Staff
Irene G. Derus, Notetaker

Dr. Kissinger: I know the document by heart now.

Mr. Special Adviser, we have redrafted the document, I think incorporating everything we discussed yesterday. We added only one clause, which I will explain to you when we get to it. But in order to save time, I will give it to you now. [Hands over U.S. Draft Agreement at Tab A] I will give you two copies.

Le Duc Tho: Let me speak a few words.

Dr. Kissinger: Please.

Le Duc Tho: From your comments on our draft of our agreement we handed to you yesterday, through your comments yesterday and our comparison with our own draft, we realize that we have come to agreement on many major problems. This is the result of our common effort, yours and ours. But there are still two very great problems left, outstanding problems between us. One of our big concerns is the question of United States assuming the responsibility of healing the war wounds in Vietnam. This is one of the most important items in our agreement. But at the same time we know that one of your questions of concern is the question of Laos. So today I would like to point out these two outstanding questions.

Therefore, if today Mr. Special Adviser brings about satisfactory and correct solution to the question of the United States assuming the reconstruction of North Vietnam and healing the war wounds in North Vietnam, then we shall show our understanding towards the question of Laos. We know that you are considerably concerned about the question of Laos. Because your concern is that when the ceasefire becomes effective in Vietnam, the war continues in Laos and Cambodia. Then you are concerned about the fact that we shall continue to infiltrate through the Ho Chi Minh Trail through Laos and Cambodia to bring our supplies to forces in these countries, through what you call our bases in Laos and Cambodia, to the forces in Vietnam.

Dr. Kissinger: Exactly.

Le Duc Tho: But you have also understood very clearly our problem of concern, too. Because North Vietnam has been subjected twice to United States air war of destruction. The damages are very great; the loss is very great. Therefore the healing of these war wounds in North Vietnam is not only a question of United States responsibility but it is also an action which will open up a new era in our relationship between our two countries. This action will be beneficial to you and to us too.

That is our two major problems. I have pointed them out but I would like also to reiterate here that Mr. Special Adviser should not

pay constant attention to what you call the question of North Vietnamese troops in South Vietnam because we have put forward reasonable and logical solution saying that the two South Vietnamese parties will agree on the question of reduction of military strength, the question of reduction of military effective troops, and the question of demobilization of troops.

Besides that, in your comments on our draft yesterday, there remain a number of points that are important but not so too much important. That is the question of replacement of armaments; the question of the return of the people of the parties captured during the war.

Regarding the political questions we still have the question of the name of the administration of South Vietnam, the question of local elections.

Regarding the question of the International Commission of Control and Supervision there still remains a number of points where we still differ.

So all of these specific questions on which we still differ. So I propose that today we shall settle all of these major questions and specific questions. After agreement on these there is still another document on an acknowledgment by the two parties of the exercise of the South Vietnamese people's right of self-determination. That we shall further discuss.

Now let me address the contents of the agreement regarding the amendments you propose and we propose, and how they should be amended.

Dr. Kissinger: We have a mechanical problem now, because we have a new document which is in our language and we would rather work from our document, not because it differs so much but because the English is so much better than in yours. Then I will go through what we did and then—why don't you go ahead. If I am a little slow in following you, understand that I have a slightly different document. Please go ahead, Mr. Special Adviser.

Le Duc Tho: The basis of my comments now is on our document, on your previous documents, and on the comments you made yesterday.

Dr. Kissinger: Please. I know what is going to happen: When we come to the final signing, you will sign the version of Monday, we will sign the version of Wednesday, and the Minister and Ambassador Porter can then argue for two more years. [Laughter] All right, let us go ahead.

Le Duc Tho: Article 2, page 2, regarding the cessation of hostilities and withdrawal of troops.

Dr. Kissinger: Can I assume then that when you pass an article it is accepted. You didn't operate like that yesterday.

Le Duc Tho: Exactly.

Dr. Kissinger: Fine.

Le Duc Tho: In Article 2 you propose mention of a ceasefire of indefinite duration. So we will put this sentence at the end of Article 2. The sentence we propose is "The cessation of hostilities mentioned in this Article is lasting and stable."

Dr. Kissinger: May I make a suggestion. This sentence should be at the end of the first sentence. The first sentence says "A ceasefire shall be observed . . ." Because if you put it at the end of the article it applies only to the United States, while if you put it at the end of the first sentence it applies to everybody, which I am sure is the intention of the Special Adviser.

Le Duc Tho: No, my intention is that the whole Article 2 refers to both South and North Vietnam. Therefore we mention "the cessation of hostilities mentioned in this Article is lasting and stable." It applies for both South and North Vietnam, so it will be a guarantee for both zones.

Dr. Kissinger: All right. We make a new paragraph at the end of Article 2.

Le Duc Tho: Another line.

Dr. Kissinger: Another line. I agree, but will you indulge us and let us use our English, and can we say "the ceasefire will be without limit of time?" It is the same as "lasting" but it means something more concrete in English.

Le Duc Tho: So you would say "the cessation of hostilities mentioned in this Article is not limited in time and stable?"

Dr. Kissinger: In English "and stable" doesn't add anything. What are you trying to say?

Mr. Phoung: Firm. Firm.

Dr. Kissinger: In English it would sound better if we say it is unconditional.

Le Duc Tho: Firm or stable. So our idea is that the cessation should be better if we use the word "firm" or "stable."

Dr. Kissinger: I have no disagreement with the ideas. I agree with you, Mr. Special Adviser. He [Mr. Engel] has explained to me what it means in Vietnamese and it makes a lot of sense in Vietnamese. It is hard to find an English word for it. In Vietnamese it makes absolutely good sense but we can't find an English word that is acceptable. We have no trouble with the ideas. We accept it. We are just looking for an English word.

Le Duc Tho: "The complete cessation of hostilities mentioned in this Article is lasting and stable."

Dr. Kissinger: “Lasting” is “without limit.” It is better for us.

Le Duc Tho: But if we retranslate it in Vietnamese and we hold it “without a limit of time.”

Dr. Kissinger: You can call it “lasting.” You can use the Vietnamese word for “lasting” and we will use the word “limit in time.” That is no problem to us.

Xuan Thuy: “The complete cessation of hostilities mentioned in this Article is lasting and stable.”

Dr. Kissinger: We are in agreement. It is just that we have to find words that mean the same in Vietnamese and English. “The cessation of hostilities in this paragraph should be strict, complete, and without limit of time.” You say “lasting.”

Le Duc Tho: It is strict already.

Dr. Kissinger: Well, we can take “strict” out. How about “permanent?”

Le Duc Tho: “Lasting” means “permanent.”

Dr. Kissinger: Then what does “stable” mean?

Le Duc Tho: Not fragile.

Dr. Kissinger: The trouble is—I was just paying you a compliment. It is a beautiful expression. If we had a word in English that we could use.

Mr. Rodman [To General Haig]: Durable.

General Haig [To Dr. Kissinger]: Durable.

Dr. Kissinger: “Durable” is our word. Let me read: “The complete cessation of hostilities mentioned in this Article shall be durable and without limit of time.” And you will say “shall be stable and lasting.”

Le Duc Tho: All right.

Dr. Kissinger: In English “durable” means something not fragile. It is as close as we can come. You can use your phrase in your document.

Le Duc Tho: Durable and long-lasting.

Dr. Kissinger: We can’t say long-lasting. No, we have to say “without limit of time.”

Le Duc Tho: What we propose, this is not that it will cover our desire to make war again but it is conforming with our Vietnamese language only.

Dr. Kissinger: I understand. So why don’t we agree in English that we say “shall be durable and without limit of time.” We both understand that what we are saying is that it is indefinite duration.

Le Duc Tho: Both sides understand it this way.

Dr. Kissinger: We both understand. Just to make sure because we don’t want to have a misunderstanding: The word “durable” to us

means it is strong in character and quality, and the word “lasting,” the way we use it, means there is no time limit.

Le Duc Tho: So in Vietnamese we write “lasting.”

Dr. Kissinger: Yes, with the understanding I have just expressed to you. Do we understand each other, so there is no dispute later?

Le Duc Tho: Yes.

Dr. Kissinger: All right. You can write it that way and we write it this way.

Le Duc Tho: This part of the sentence we can use this way, but for other parts, if we can avoid this one-side-use-one-word-and-the-other-side-use-another-word.

Dr. Kissinger: I agree.

Le Duc Tho: As to the sentence “The United States undertakes to completely and immediately remove all mines. . . .” you propose “the United States will help the Democratic Republic of Vietnam.” We propose to delete both amendments. We should say only “the United States will completely and immediately remove all the mines.”

Dr. Kissinger [To General Haig]: No, we can’t say that, can we?

General Haig [To Dr. Kissinger]: No.

Dr. Kissinger: No, I understand. Our problem is our own domestic situation. We can in fact do it, but we cannot state it this way.

Le Duc Tho: We would prefer to use it. It would be more correct to say “The United States undertakes to completely” but we take into account your view and we put “The United States will completely,” because if you wish to help us in doing this it means your people laid the mines and now you help us in removing the mines. It is not conforming to reality, as if someone else laid the mines. But so we have taken into account your view, but you should do the same with us.

Dr. Kissinger: You haven’t taken our view into account because you have said “United States will remove.” All you are taking out is the words “will undertake to remove.” It means the same thing in English. But let me suggest the following, which is also more consistent with your sovereignty: Can we say “The United States . . .” Go ahead. I think he probably has a better compromise than I have.

Le Duc Tho: Please go ahead.

Dr. Kissinger: We will say “The United States will, in cooperation with the Democratic Republic of Vietnam, remove all the mines.”

Le Duc Tho: Because you have laid the mines against us and now we cooperate with you in doing that? And I think we should not spend too much time in these minor things.

Dr. Kissinger: But do you want us to just sail into your waters and just start removing mines?

Le Duc Tho: So I think that you should send there the means for the removal of the mines, and we shall discuss the details afterwards.

Dr. Kissinger: Yes, but now we need a phrase here. We don't mind saying, if it helps you, we don't mind acknowledging that we laid the mines. We don't mind saying that "The U.S., in cooperation with the DRV, will remove completely and immediately all the mines it has laid in the territorial waters." If it means something to you that we acknowledge that we laid the mines, we are prepared to do that.

Le Duc Tho: We think this way. Since you laid the mines and the war is ended, you come and remove the mines. If now we say that we cooperate with you in doing this and you help us in doing this, the world will understand that you laid the mines and now you take it away. There is no problem in this because as a matter of fact people will understand it this way.

Dr. Kissinger: Can we say the United States will pick up all the mines that belong to it in the waters of Vietnam so that they can be used elsewhere? [Xuan Thuy laughs.] That is a joke.

Xuan Thuy: In what territorial waters then?

Dr. Kissinger: Outside Vietnam.

Le Duc Tho: We wanted to put the fact here. We do not ask you to "undertake" that but we do not want you to "help" or "cooperate." It is conforming to reality.

Dr. Kissinger: How about saying, "All the mines laid in the territorial waters, harbors and waterways will be removed immediately and completely"—since this isn't a paragraph of yours. It is in a paragraph of United States obligations.

Le Duc Tho: So it will not be known who will remove the mines. Is it we that will remove the mines or you? People may understand that after the end of the war, then we shall proceed in removing the mines ourselves. It may be understood this way.

Dr. Kissinger: There are a number of practical problems that I want to mention to you in connection with the mines. Some of the mines have a time limit on them and it is easier to let them die than to pick them up, because they are very difficult to pick up—some of them. And if a minesweeper should be sunk in the harbor of Haiphong that would close the harbor even longer.

Le Duc Tho: No, we would like only to write this sentence. But the question of how they will be removed, we shall discuss this later. Because the whole world knows that you laid the mines, now to remove it is very simple and need no discussion about it.

Dr. Kissinger: No, if this document becomes the subject of very violent criticism in America, then many individual points that may be good will be a serious problem for us. Then the whole document

becomes a serious problem. I am speaking of the domestic situation in America. I do not contest the fact that we will do it.

Le Duc Tho: But what I understand is that the American people, the whole American people, understand that since the United States has laid a mine over there, now after the war they take them away.

Dr. Kissinger: I must say one thing. I have enormous admiration for many of the qualities of the North Vietnamese leadership, but your understanding of the American people has been limited to a very unrepresentative group. We intend to remedy this in the next years.

Xuan Thuy: So we have spent so much time for the only word of "under taking." I don't know how long it will take to discuss other things.

Dr. Kissinger: We are just warming up. A few practice rounds. [Laughter]

Le Duc Tho: Please go on.

Dr. Kissinger: It is very difficult for us. But I shall, on the assumption that you will show some understanding for our problems later on in this document, I agree that we will say "the United States will remove." But I would like to add "or neutralize all the mines in the territorial waters, harbors and waterways of North Vietnam." If we add then "completely and immediately," it sounds too much like an ultimatum. "All the mines" means "completely." We are prepared to say "The United States will remove or neutralize all the mines in the territorial waters, harbors and waterways of North Vietnam as soon as this agreement goes into effect." This means immediately, and "all" takes care of "completely."

Le Duc Tho: But I propose to delete the word "neutralize" because our language is too simple. "To remove it." Whether you remove it or deactivate it, the result is to remove all the mines. Our people will understand that the mines have been laid, and now they are removed.

Dr. Kissinger: As long as you understand that we will not pick them all up; that we will make ourselves responsible to deactivate them but we may leave them there.

Le Duc Tho: Technically speaking you will do as you like, but the sentence here should be "The United States will remove all the mines in the territorial waters, harbors and waterways of North Vietnam after the ceasefire becomes effective."

Dr. Kissinger: What we would like to say is "or deactivate after this agreement becomes effective." We would like to say "will remove or deactivate." We should not have that many understandings. It is not healthy that every paragraph has an understanding.

Le Duc Tho: "Will remove and deactivate."

Dr. Kissinger: "Will remove or deactivate." "And" isn't correct. We will do one or the other.

Le Duc Tho: Remove is sufficient.

Dr. Kissinger: Maybe in Vietnamese, but in English “remove” means we have to pick them up and take them away, and that can be very dangerous.

Le Duc Tho: Technically speaking you will do as you like, but in Vietnamese words it means to remove them.

Dr. Kissinger [To Mr. Engel]: Is that true? Or is there a Vietnamese word for “deactivate”? [To Le Duc Tho]: We cannot promise to do what we cannot do. We don’t know exactly where some of them are.

Le Duc Tho: What we request here is that the mines should be removed from the waterways of Vietnam, but technically speaking, we don’t discuss that here; later that will be discussed.

Dr. Kissinger: But the problem is we have already got an understanding in the first paragraph. We can’t have two understandings in the first paragraph.

Le Duc Tho: Let me tell you one sentence. We understand this sentence is simple, not in as complicated way as you think. The Vietnamese people understand that the United States has laid the mines, now the United States takes them away. But this is only one word, but there are still many things to be discussed later. It will take three days perhaps.

Dr. Kissinger: It can’t, because I must leave tonight. I cannot possibly stay another day.

Le Duc Tho: But if we can’t finish this one day, then I shall say we finished, because I have also my work to do too. It is only the word “remove” and it takes an hour already.

Dr. Kissinger: But we have agreed with your formulation, as a sign of good will. The only possibility is that we record in the minutes, and I will also say publicly that we informed you that removal means that we will either physically pick it up or deactivate them.

Xuan Thuy: So it is a very simple problem and it seems that you want to make the problem complicated. Probably we should set a time limit for our discussions here and not go beyond the time limit. We feel that it is not serious.

Dr. Kissinger: Well, if that is what you feel then we should stop now instead of wasting our time. We are trying to make commitments we can undertake. I have agreed to your sentence and all I want is a word that expresses what we can in fact do.

Le Duc Tho: Now what I tell you is this: I don’t know about the techniques of your mines. So you say that you will remove some of them, you will deactivate the others and they still remain in our waterways.

Dr. Kissinger: Yes, but in any case they will no longer operate as mines. We can say “permanently deactivate.”

Le Duc Tho: We are not technicians in mines. We simply understand that since the mines have been laid now they should be removed. But I frankly tell you that we have only one day left. If today we will not finish, then we come to that.

Dr. Kissinger: We can’t operate on the basis of threats. If we both want an agreement we will have an agreement. I have conceded you your principal point, that the United States will do it. I just want to make clear that “remove” in English means that we have to pick them up and take them out of there. That may take years. We can guarantee that we can have them all inactive in a number of weeks. We cannot guarantee that we can have them all picked up in a number of weeks.

Le Duc Tho: Let me say this, to end the discussion on this sentence. “The United States will definitely deactivate by removing and destroying all the mines laid in the territorial waters, harbors and waterways of North Vietnam.”

Dr. Kissinger: No, I would rather say it the other way “will remove either by destruction or deactivation.”

Le Duc Tho: “The United States will definitely deactivate, remove and destroy all the mines laid in the territorial waters, harbors and waterways in Vietnam.”

Dr. Kissinger: All right, we can accept that. “Will permanently deactivate, remove or destroy.” It can’t do all three. It has to do one of the three. You can’t deactivate them, remove them, *and* destroy them all at once.

Le Duc Tho: There are two ways of removing the mines, but you can adopt one of these ways.

Dr. Kissinger: May I suggest a better formulation from your point of view: “The United States will permanently remove by deactivation or destruction all mines.” I think it is better for you, but I will accept your phrase if you put in the word “or.” I will accept your phrase if we say “deactivate, remove or destroy.” If you say “or” I will accept your phrase.

Le Duc Tho: We prefer this sentence.

Dr. Kissinger: That is what I thought. I am trying to be helpful—except that the Minister is threatening me.

Le Duc Tho: We do not threaten. What we want is to bring about rapid results.

Dr. Kissinger: No, it is always a difficult period drafting these documents, but we are going to succeed. It is obvious. It may take a longer time than we think but it is going to succeed. So you take our sentence, “The United States will permanently remove, by deactivation

or destruction.” You prefer your sentence, “The United States will permanently remove, deactivate or destroy.” That’s all right.

Le Duc Tho: All right.

Dr. Kissinger: “As soon as this agreement goes into effect.”

Le Duc Tho: A short distance but a lot of effort.

Dr. Kissinger: That is all right. It is worth it. It is in the common interest.

My assistant has figured out that at this rate it will take us only four more years to finish it.

Le Duc Tho: I propose now a half hour or a little more so that we can see into your new document.

Dr. Kissinger: Good. As long as you look into the document, Mr. Special Adviser, may I call your attention to Article 16, in which you asked us to show our understanding for your problem. We are prepared to add a phrase to it. We will add the phrase “contribute to healing the wounds of war and to postwar reconstruction.”

Le Duc Tho: But it’s only a sentence in general terms but we should discuss it in more detail.

Dr. Kissinger: Yes, but it is very similar to the paragraph you had.

Le Duc Tho: Yes, but when we discuss this we should go further into details not to be recorded in the agreement.

Dr. Kissinger: I agree with you. I agree with you.

[There was a break from 11:02–11:40 a.m.]

Le Duc Tho: Let us resume.

Dr. Kissinger: May I make a suggestion? When the Special Adviser began this morning’s meeting he pointed out that if we meet his concerns with respect to reconstruction he would take into account our problems, which he summarized very well, with respect to Laos and Cambodia. And since he pointed out that these were our principal problems, I wonder if we can hear what his views of them are because they would then in turn affect all our other deliberations.

Le Duc Tho: But do you correctly understand our question of concern?

Dr. Kissinger: I correctly understand your question, which has two parts. The first part was that you need for moral and other reasons in this agreement a statement about healing the war wounds. We have given you that statement even though it is very difficult for us.

Your second point is that you would like to discuss with me a concrete program. To that I want to say the following: First, it is in our mutual interest that we develop such a substantial program because, to tell you frankly, the best guarantee we have that these agreements will in fact be carried out is to be certain that you will concentrate on

tasks of reconstruction rather than on tasks of war. And the more we cooperate together on tasks of reconstruction, the more there will be mutual trust. So I would undertake when I return to Hanoi to discuss with you in more detail what such a concrete program might look like. But I can tell you now that it will be substantial and that it will be pursued energetically. We are perhaps the only major country—we are in any event a country whose only interest after peace is restored in North Vietnam is to have you strong, independent and developing. And in this sense we will be prepared to work with you very closely.

So I think I have gone beyond the answer you asked for yesterday.

Le Duc Tho: Let me ask Mr. Special Adviser this: As far as we are concerned, after the end of the war naturally we will be engaged in peaceful construction of our economy. Naturally also in this peaceful construction of our economy you will contribute an important part to this work, meaning healing the wounds of war of North Vietnam. It is not only a question of your responsibility, but it is a question beneficial to us and to you. That is the reason why yesterday I told you that when it is necessary to fight, we fight with determination, but when we decide to have a settlement and to engage in the direction of peaceful construction, we are also doing it with determination.

Therefore what I have told you about my understanding of your question of concern shows the direction we want to follow and to show that we have understood your question of concern. If we wanted war, we would not express our views in such a way. But you too should understand our requirements, because in negotiations there should be reciprocity. You have understood that.

Previously you had raised a concrete amount of money. We have raised also a concrete amount of money. Now what is your view in this connection? As to a program for reconstruction, you said a substantial one and you shall discuss when you are in Hanoi. Previously you have given specific assessment or evaluation of the sum. Please now give another assessment or evaluation. As to the detail, we shall discuss it in Hanoi.

Dr. Kissinger: Mr. Special Adviser, if we were engaged in discussions that would probably lead nowhere, it would be easy to give a figure. But I believe we are engaged in a discussion that will lead to success, and I believe also that in this discussion it is very important that we put our relationship on a new basis in which confidence can develop. We have been fighting each other for ten years. The American people have been conditioned to believe—I am speaking honestly with you—that you are untrustworthy, and—not the people you see, but the average American—and determined to make war, and many other attributes that they do not like. So we have a problem, both of us, to turn this public attitude around. We have done this with respect to China, so we know we can do it with respect to you.

And that is why at the end of the session last night I said to you that for a few months we have to show understanding to each other. I am saying this with an open heart. Because for the first few weeks after we make this agreement everybody is going to try to find what is wrong with it and what you are going to do to us. So we have a difficult problem. Now I say this because, on the other hand, if we can manage the next few weeks well—and my trip to Hanoi, one reason is to bring this about—then we can move to develop a program of economic reconstruction.

When we gave you a figure of \$1.5 billion a year, we thought that about \$600 million of this could go to North Vietnam for a year. My own personal judgment is that the first year it may be a little less; the second year it may be substantially more. This is my personal estimate, but I would have to check it more carefully when I go back to Washington.

Le Duc Tho: Last year when speaking of this question you mentioned a sum of \$2.5 billion for North Vietnam.

Dr. Kissinger: Over five years. That is about \$500 million a year.

Le Duc Tho: Now you said that each year North Vietnam may have \$600 million; it will be \$3 billion for five years, but the recent air war against North Vietnam has caused considerable losses, not only material losses but human losses, and a great deal of damages to the lives of the people. And so the amount as you proposed is not sufficient to make a counterpart to the losses and damages suffered by our people. I propose that after we make this agreement we shall make a protocol on this question between us, of cooperation between the two sides on this question. We have drafted also a short protocol of one page for your consideration. Just like when you give aid to other countries there is a protocol about it. [Hands over DRV "Protocol on Healing the Wounds of War," Tab B] This is evidence of mutual trust, so that we can rapidly reach settlement of the problem.

Dr. Kissinger: [Reads the paper] Now this is something I would have to take to Hanoi with me. Because this requires Congressional action and large sums of money. And what is your idea—to publish this protocol?

Le Duc Tho: Between us.

Dr. Kissinger: This we would really have to study. And it is not a question of intention; here it is a question of managing. Let me give you an example, which is not exactly correct. If the Japanese in 1945 had asked the Americans, "How much will you contribute to the reconstruction of Japan?" the answer would have been "nothing," or next to nothing. In fact, as our relationships developed, we made an enormous contribution, which if we had attempted to lay it down at the beginning,

could never have been made. It is not a good example, because you are not defeated. I am just trying to say that as our relationships develop, I believe the sums will be larger than we can now determine.

But I believe that it will be possible for us to form a Joint Commission. I believe that paragraph 1 is essentially acceptable. Paragraphs 2 and 3 I will have to examine. And it is impossible to make a commitment without Congressional approval of any specific sum. But we can tell you that the spirit of this document is consistent with our objectives.

So when I return to Washington I shall have immediate consultations with those of our officials who are responsible for the management of aid. I will also discuss the matter with the President of the World Bank. The real problem here is not whether to do it but how to do it, and what precise sum we shall agree to. But I will try to make a very realistic proposal to you when I come to Hanoi, if you want it earlier, to transmit it through the liaison officer here. But I understand what you want. I must tell you frankly that the sum is more a question of whether to specify it and how to specify it, because it does us no good to sign a protocol which we then cannot implement. So I can tell you now that the principle of it is acceptable to us.

Le Duc Tho: Which principle?

Dr. Kissinger: The principle of a contribution. The principle of a five-year program. The principle of a substantial sum. I have given you my estimate of \$3 billion; you say \$4.5 billion. It is very abstract right now, because when you understand our system these sums will have to come from many different sources and we will have to see how to piece them together.

I tell you frankly that I believe a Joint Commission between us for the economic reconstruction of North Vietnam is a better guarantee for peace in Indochina than a Joint Commission on the Ho Chi Minh Trail, because such a Commission would show that we have made peace and not an armistice. So we will strongly support it. But on the other hand, for the immediate period, we need the other.

Le Duc Tho: Yes, I have listened to your statement but I would like to raise again the question of the protocol because it is a normal thing. If a Joint Commission should be established it is one question, and it is another question that everywhere there is protocol. What is your view now? And if you go to Hanoi then we shall have a protocol made in Hanoi between the two parties.

Dr. Kissinger: I will have to study. This is new to me.

Le Duc Tho: Naturally.

Dr. Kissinger: I believe that a protocol between our countries on economic reconstruction is possible. I think it is even essential. It may have to be done in two parts: It may be that when I come to Hanoi

we can express a joint intention to move in a certain direction, which we would agree to keep secret, and that then early next year we sign a formal agreement between our two governments which would be public, which puts it into effect.

Le Duc Tho: So if we can come to a basic agreement here then we should discuss this question in detail.

Dr. Kissinger: What I will promise I do is—you will see, when we publish this agreement, I will have to be the principal person defending this document. And when I present this agreement, that is in two weeks, you will see that I will lay the basis for the conception of a substantial program of reconstruction. But you must understand that we have to condition our people for it. And there has to be a minimum of trust now, so that when I promise you something I will want to keep it, if we are to put our relationship on a new basis.

The Special Adviser said that you are determined in war, but also determined in peace. You will see this is our attitude also. We will move rapidly and energetically to improve our relations and to help rebuild your country. It is in our common interest.

Le Duc Tho: It is because of our good will and desire to reach a peaceful settlement of the Vietnam problem that we have followed a very positive orientation.

Dr. Kissinger: I know. I am convinced of this.

Le Duc Tho: And not only for the purpose of peaceful settlement of the Vietnam problem but also with a spirit of mutual cooperation between our two countries in economic construction that we propose this.

Dr. Kissinger: But it is important for our long-term relation that we make this not in a way that it can be presented as buying ourselves out of the war, but as a positive action in our mutual interest for the future of our relationship and not to settle the past. It must be consistent with our dignity, and your dignity, for it to have the effect which you have described, if it is to last.

Le Duc Tho: It is also our attitude too. We propose this question not in a spirit that we wish that you give us a sum of money. Our conception is that the war has caused considerable destruction and damages to our country and it is your responsibility in healing these wounds of war, but at the same time it is opening a new era of cooperation between our two countries on a new basis and in building up a new relationship based on trust and long-term interests.

Dr. Kissinger: This is exactly our attitude.

Le Duc Tho: But I have asked you about a specific sum; it is to have an idea of the amount you can contribute. As to the exact sum, you will discuss with our leaders in Hanoi. But personally I think

that the sum you have proposed is too little in comparison with the destruction and the sufferings of our people. I think that we should not go in further detail in discussing this, but we will stand this way and we will discuss it in Hanoi.

Dr. Kissinger: Let me say one more thing, simply for the thinking of your leaders. Most of your relations have been with countries in which the government could make all the conclusive decisions. As you move into a relationship of friendship with us, you will see that our situation is more complex. For example, in order to help you more fully in this reconstruction we must mobilize, and we intend to mobilize, many private groups—which are somewhat more influential than the ones you have up to now invited to Hanoi. [Laughter]

Le Duc Tho: Recently there is a proposal from Mr. McNamara to go to visit—and many other Americans.

Dr. Kissinger: Yes. What we can do for you is, we will coordinate all of these activities and we will put them into a coherent program and we will stimulate them, and therefore the sums that we can get from the government will not be the total amount. Because we can help mobilize some funds from other countries as part of a consortium. But you have to give us a little time to develop this. Just as it is hard for you to do things while we are bombing, it is hard for us to do certain things while you have our prisoners.

But this is the direction in which we are determined to move and you can count on it. I will be much more specific when I am in Hanoi. I will study the problem. If you will ever let me get back to Washington, I will study the problem there immediately.

Le Duc Tho: The primary thing, and to lay the basis for our relationship, is to achieve an agreement.

Dr. Kissinger: Oh yes, we have to settle this.

Le Duc Tho: And so, if we have not yet achieved our agreement then we come to nothing. Now let me express my views to show our taking into account the question of your concern, and to show you also that we are reasonable people when we settle the problem.

Dr. Kissinger: I am not so sure about the Minister.

Xuan Thuy: So I am.

Le Duc Tho: And so if I show this good will I think that we should go more rapidly and avoid complicated things, because if we settle the major problems then the minor ones will be settled rapidly.

Dr. Kissinger: That is why I thought we should talk about this first.

Le Duc Tho: Let me do that. But what I am telling you is something frank, straightforward, with an open heart. In settling anything we should have a real desire to settle it. I have never made pressure on

you. But definitely you can't make pressure on me too. When we achieve a settlement this settlement should be reasonable for both.

Dr. Kissinger: I agree.

Le Duc Tho: Now the question of greater concern of yours is the question of Laos. Objectively speaking, the question of Cambodia is different from the question of Laos. So in envisioning our conception the Vietnam problem will be settled first, then the question of Laos. Objectively speaking. But in starting anything I should point it out first—in starting anything we start from the principle of respecting the concerned peoples' fundamental national right. We shall discuss with our friends, our allies, in Laos to speed up the negotiations, to hurry them to results. So for the problem of Laos, after the ceasefire becomes effective in Vietnam, after the peaceful settlement of the Vietnam problem, we think one month after, then all foreign powers—not only us but you too—should put an end to all their military activities and to abide by the principle I mentioned to you before. That is to say that all foreign troops should be withdrawn from Laos and should refrain from reintroducing armaments, military personnel, war matériel into Laos. That is Article 15(b). So in the agreement we record as 15(b) has been drafted, but we shall give you a statement. We can't record my statement in the agreement. It is an understanding between us. Because I have given you one month, because we have to exchange views with our friends and it will take some time. But we shall strive to do it the sooner the better, as soon as possible, but at least it will take one month.

So I think I have satisfied all your concerns. Therefore now all the provisions you have made about the resistance of base areas in Article 7 I think should be deleted, because if all foreign troops are withdrawn from Laos, and a ceasefire has been observed in Laos, then there are no base areas in Laos.

Dr. Kissinger: Now let me understand one thing. I just want to sum up, to make sure that I have understood you correctly.

Le Duc Tho: I shall give you a statement in writing.

Dr. Kissinger: Right, but it says "one month after this agreement goes into effect," one month after the ceasefire. [Le Duc Tho nods yes.] There shall be a ceasefire in Laos. That when this goes into effect the provision of Article 15(b) will be in force. [Le Duc Tho nods yes.] And all your forces will be withdrawn. Of course, all of ours also.

Le Duc Tho: And your allies, the Thai troops.

Dr. Kissinger: We shall discuss with Thailand.

Le Duc Tho: That is why we have to discuss with our allies too.

Dr. Kissinger: Now supposing the Chinese refuse to withdraw their troops.

Le Duc Tho: Of course we can't decide that, but I think you too, you can't decide that.

Dr. Kissinger: No, but I want to have it understood. Even if the Chinese keep their troops there you will withdraw your troops.

Le Duc Tho: We shall abide by Article 15(b).

Dr. Kissinger: Yes, but Article 15(b) could be interpreted to say that your troops will be withdrawn only if all foreign troops are withdrawn.

Le Duc Tho: Probably you are a philosopher. You have an extraordinary interpretation of this article, but politically speaking I think we should have a correct interpretation of the article.

Dr. Kissinger: I understand now. You will give us a statement to that effect.

Le Duc Tho: I shall give it to you.

Dr. Kissinger: But the practical problem—you do not want it published.

Le Duc Tho: No, understanding. There are things we agreed by understanding and we abide by it. You should understand.

Dr. Kissinger: No, I understand the problem. It will present us with some problems, first of all in Saigon—which I don't think will cause the Special Adviser sleepless nights—and secondly, when we present this agreement what to say publicly, because this is one of the first questions we will be asked. But I think that is probably manageable. And perhaps if we make an agreement and I come to Hanoi the Special Adviser will coach me a little bit on the handling of the press, which he does so well. [Laughter] But I understand this point.

Now I told you yesterday we have three problems. One is Laos. I think I understand your view and I won't ask for any additional clarification.

The second is Cambodia. Now I understand that with relation to Cambodia your political situation is much more difficult than with relation to Laos, because your friends in Cambodia live in Peking. [Laughter] And that presents a more complex situation. So I understand this very well. But let me tell you what my problem will be, first within my government and then in Saigon: It will be said that this agreement does not prevent your resupplying your base areas in Cambodia and that the provisions about military aid are not applicable to your forces in Cambodia. This presents a great difficulty for us, how to explain it. And since we know that in the recent history your forces—speaking here openly—have used these base areas in Cambodia and then come across the border, this is a serious problem.

Le Duc Tho: Have you finished?

Dr. Kissinger: I have finished. It is a problem I am putting to you in an open way.

Le Duc Tho: Those problems you put before us which we can solve, we shall do so. But there are problems which contain difficulties. You

should understand also these difficulties of ours. While we peacefully settle the Vietnam problem, we discuss with our allies to reach a peaceful settlement of the Lao problem. And in the agreement we have explicitly said that we shall refrain from introducing armaments and war matériels into South Vietnam and into Laos. But you should do the same too.

Then with regard to Cambodia we shall follow the same principle, once there is a settlement in Cambodia. But as I told you repeatedly, the peaceful settlement of the Vietnam problem will create, will pave the way for the settlement of the problem of Laos and Cambodia. But once the Vietnam problem has been solved, once the Laos problem has been solved, then it will create propitious conditions for the settlement of the Cambodia problem. Naturally, Cambodia contains these difficulties as you understood, but it will create the conditions for a settlement. I believe that our friends, our allies in Cambodia will follow the same orientation. There are three Indochinese countries closely linked to each other, to wage resistance war. Now if two countries have reached a peaceful settlement the third one will follow the same orientation. It is what I am thinking.

You are Americans. It is said that Americans are very realistic. You should understand that. So the question of the solution of the Vietnam problem and the Lao problem, and particularly Article 15(b) as it is written in the agreement, is a great evidence of our good will. And the understanding I have told you.

Dr. Kissinger: I understand.

Le Duc Tho: So it is clear. It is explicit.

Dr. Kissinger: Of course I haven't seen it yet. Could I see it?

Le Duc Tho: I shall give it to you later. I told you that it is an understanding between us, and confidential.

Dr. Kissinger: Yes, you can count on that. Now is it possible to have an understanding?

Le Duc Tho: Let me ask something more. But on the other hand you should also instigate your allies to move to the settlement with good will.

Dr. Kissinger: Yes, we will do that. We will use our maximum influence, and our impression is the same as the Special Adviser's: that the Laotian problem can be settled within a month, and maybe sooner.

Le Duc Tho: Frequently you refer to over-optimism.

Dr. Kissinger: Well, but this is our assessment of the situation. Now, with respect to Cambodia, can we have an understanding that no offensive operations will be taken within Cambodia by the Vietnamese forces? And we will use our influence and undertake—will guarantee—that no offensive operations will be taken against Vietnamese forces in Cambodia.

Le Duc Tho: What we can do for the time being, I have told you that. But as regards Cambodia the situation is more complicated. There are other forces too, those of Sihanouk. Therefore I have told you that we should not raise too many complicated things. But as I told you, once we settle the Vietnam problem, then there are many real things, real possibilities that we can't see now. But after the settlement of the Vietnam problem then these real possibilities appear every day, because the entirety, the real things change. A settlement of one problem will have its impact upon other problems.

Dr. Kissinger: But why is it difficult? I understand that you do not control the forces of Prince Sihanouk. And in fact, when peace is restored, the Special Adviser can tell me his personal opinion whether Prince Sihanouk controls his forces. [Laughter]

Le Duc Tho: He does. He does command. He is the Chief of State. I think someday he will return. My personal view, I think that you should also go in this direction of a settlement.

Dr. Kissinger: But why is it difficult to agree that the Vietnamese forces in Cambodia not take any offensive action? We do not ask for a guarantee that the other forces not take offensive action?

Le Duc Tho: Because the Vietnamese forces in Cambodia are linked, closely related to Cambodian forces. They can't be separated now. Once the problem of Cambodia is settled, it is settled for all fighting forces in Cambodia, not separated for the Vietnamese forces only. This is an objective thing, reality. When the Cambodian problem is settled, the problem will be settled completely and wholly. This problem is as it is now. You should understand. The most practical thing is that we should achieve this agreement. If we can settle the Vietnam problem then all other problems. . . .

Dr. Kissinger: But you will have to understand. I will want to consider for a few minutes. We will complete this discussion and then perhaps we should have a 15-minute break. We will hold our airplane. I said 4:30, but we will hold our airplane until we complete the discussion. But you must understand that if we make an agreement in which we say nothing specific about Cambodia and if afterward you bring about by your actions a change in the situation in Cambodia, that it would totally undermine the agreement that we have reached and the possibility of mutual trust between our two countries.

Le Duc Tho: I point out one thing very practical to you. You are still speaking in your own things, but I can tell you that the settlement of the Vietnam problem and of the Laos problem will bring about a big change in the situation. You should realize that. So I think that we should stop the discussion on the question now, because it is a whole hour discussing. You understand the problem thoroughly now?

Dr. Kissinger: But the Special Adviser overestimates my intelligence. I am a slow student as he often pointed out to me.

Le Duc Tho: Because you are too suspicious.

Dr. Kissinger: I have never found that excessive trust is a Vietnamese vice. [Laughter]

I have three problems: Laos, Cambodia, and your forces in the South. Do I understand the Special Adviser correctly, that he proposes that we add a clause to the agreement to the effect that the two parties will discuss the reduction of their military effectives and that the forces reduced should then return to their native homes? Is this my correct understanding?

Le Duc Tho: I propose to put this provision in the article dealing with the question of Vietnamese armed forces. But I should point out when I say reduction of military strength, military effectives, and demobilization of troops, it means that they should get out of the army, but as to where they will go to, their home or other places, is up to them.

Now I would like to raise another question to you. I have been telling you over the past four years of our negotiations that the question of North Vietnamese should never be raised because it is contrary to the real things, legal things, political things and moral things. When we propose the approach of reduction of military effectives and demobilization, it is a fair solution and conforming to reality. If you look at all the provisions as a whole, you will realize that all of these provisions testify to our desire to progress, to our peace orientation—on many questions, not only these agreements.

Your trip to Hanoi is in the direction of peace. You have not realized that our people have been fighting against United States aggression for national salvation for over ten years now. You can imagine their feelings, their indignation, hatred and so forth. And in such circumstances we agree to receive you in Hanoi while the war is still going on. Without a desire to go forward in the direction of peace and to find a way of peace, this decision would not be made. Therefore, for the purpose of settlement we should go rapidly in achieving this agreement so that we can move also rapidly toward peace. But I should also add that we are deeply attached to peace, but not at any price. You should understand this. Therefore, you should also make an effort so that we can achieve the agreement today, because otherwise it will not work.

Dr. Kissinger: We shall make an effort.

Le Duc Tho: Moreover we have a schedule to do. We should meet the schedule we have made. I have told you this from the bottom of my heart, an open heart. I have met you 20 times now but I have never spoken to you in this way.

Dr. Kissinger: That is true.

Le Duc Tho: So let us have a 15-minute break.

Dr. Kissinger: Let me say one thing. We have two problems: one is substance and the other is presentation. I personally believe if you want to break this agreement, there is nothing we can write in here to keep you from breaking it.

Le Duc Tho: This is a realistic understanding you have, but in any case the agreement should be a correct one.

Dr. Kissinger: I agree, it should be a correct agreement. But what I want to say is if you want to make war you will find a way of making war.

Le Duc Tho: You should pay attention to this legal aspect, but you are too suspicious.

Dr. Kissinger: No, it is not my personal conviction, but it is the problem of how, in the limited time we now have, to convince our government, to convince the Saigon government, and then to convince the American people in such a way that the economic measures can be put forward and we do not spend all our time in mutual recrimination.

I want to say one thing to the Special Adviser. You have many forces in South Vietnam which are close to the demilitarized zone which could move the 20 miles north without affecting the situation significantly. Not as a promise to us, not as an understanding, but if some movement occurred that our intelligence people and military pick up—in fact if you would communicate a little more frequently than you now do!—then it would be very helpful to us, then we would have a basis for discussion with our allies without bringing about an enormous practical change. I say this to get our agreement approved, and not because I do not understand the concern for your forces. It is not a formal proposal.

Le Duc Tho: Let me answer.

Dr. Kissinger: If you answer negatively I would rather not hear it!

Le Duc Tho: You like it and you should listen to it. You see you only mention your difficulties, your difficulties with the American people, with the Saigon government, but you should know that we have our difficulty. We have our friends, our people, our allies. If we have a real desire to reach a peaceful settlement, we have all possibilities to surmount, to overcome, all difficulties. But if we have not such a desire then the discussion of only one word will take three days and we can't come to an agreement. I have been negotiating with you for a long time now. If we wanted to drag the negotiations, we have many methods. You, too, have such methods.

Dr. Kissinger: I am familiar with the methods.

Le Duc Tho: But these methods cannot deceive anyone. We, in the same way. You in the same way because we have understood each

other. This is frankly speaking. You say that you want to overcome some difficulties to reach a settlement. You have your difficulties; we have many difficulties too. So for purposes of settlement we should understand the situation in an objective way and we should not raise too many complicated problems. Each problem should have its limit. You, too. We, too.

Let me now speak of the draft agreement we handed to you. Since we handed the agreement to you we have never added anything to create difficulty for you. What we have done was in facilitating an agreement. On the contrary, each amendment you make creates too many difficulties. And you sent us the message last night [October 9] and you added many more problems. But you should understand also that we have covered a distance and we have come now to the limit. Beyond such a limit we will not go. On the content as well as on the schedule. When we have decided something we should both be resolute in achieving it. But if we are not disposed, not prepared to do anything, then let us stop.

I point out only the real things. You have realized that since we have given you the draft agreement we have never added any more things to create more difficulties for you. On the contrary, we have made a great deal of effort to bring about a correct solution to the question. You should realize that. You, on the contrary, you are creating difficulties for us. I told you that we should have mutual trust. If, with mutual trust, there are things we cannot solve now, but with mutual trust they can be solved in the future; and there may be such cases that you raise problems now, you ask it to be recorded in the paper, but in the future it is not so.

Dr. Kissinger: I understand what the Special Adviser has said. I agree he has made a major effort. We have also. We would like to make the agreement in such a way that it has the minimum difficulty when it is made. We have come such a long way now that we must cover the remainder, and we must keep our schedule, and if the Special Adviser agrees, perhaps we can take a 15-minute break and then resume. I will then make a brief comment on what he said, and we will go to the next point.

[There was a break between 1:18–1:50 p.m.]

Le Duc Tho: I have another person which I would like at the meeting.

Dr. Kissinger: It is up to you.

[Mr. Xuan enters the meeting and sits at the table.]

Dr. Kissinger: Mr. Special Adviser, could I raise another question unconnected to the negotiation? Colonel Guay has just informed me that he has heard on the French radio that there was an attack on Hanoi

last night. I want to tell the Special Adviser that I was not aware of this, and I want to apologize to him on behalf of our government for such an action being taken while we are concluding our negotiation. I also want to tell him that as soon as I can get to my airplane and can restore communication with Washington, we shall prevent all attacks on Hanoi. From the time we conclude this agreement there will be no further attacks. But I must express my views that this was an improper action while we were negotiating. Please communicate this to your government.

Le Duc Tho: At the very beginning of our session I was informed of that news, and I intended to raise it with you. But my intention was that we start immediately our negotiations and . . .

Dr. Kissinger: My associates heard it on the radio.

Le Duc Tho: I intended to raise this question after our discussions, but since now you have raised the question I appreciate your good attitude. I shall convey your statement to my government.

Dr. Kissinger: Now, Mr. Special Adviser, we have considered what you have said about Laos and about Cambodia. We will accept the assurance you give us about Laos, assuming that the text is satisfactory. Which I have not yet seen.

Le Duc Tho: After this meeting I shall give it to you. What I have said will be recorded.

Dr. Kissinger: I understand. It is my understanding that when this agreement is signed, that when the Laotian agreement is signed, no later than one month after the ceasefire goes into effect then Article 15(b) of our agreement goes into effect.

Le Duc Tho: Ceasefire in Laos within one month of the agreement.

Dr. Kissinger: Right, and then foreign troops will be withdrawn.

Le Duc Tho: The settlement of the Laos question depends on the Lao parties, and you will use your influence with your allies and we shall use our influence with our allies.

Dr. Kissinger: But once the ceasefire has been achieved, foreign troops will be withdrawn.

Le Duc Tho: When we say that we withdraw, we will withdraw. But when a ceasefire in Laos is observed then we have to discuss with our allies in Laos, because there are other forces in Laos too. And they discuss, the parties in Laos too and the other forces belonging to your side.

Dr. Kissinger: Now, that I don't understand. Will you then only start discussions after a ceasefire is achieved, or will you begin withdrawal—assuming the forces on our side withdraw?

Le Duc Tho: Yes, after the ceasefire the concerned parties will start discussions and to fix a timing for the withdrawal. What can I tell you?

Because there should be some meetings to discuss that question. But when we fix the principle that all foreign forces should be withdrawn from Laos and Cambodia, we shall abide by this principle.

Dr. Kissinger: I think the matter is very simple if it is going well on both sides.

Le Duc Tho: Naturally.

Dr. Kissinger: If we understand each other that after a ceasefire foreign forces will be withdrawn, we will undertake to arrange for the withdrawal of foreign forces on our side. And of course there will have to be some discussion of timing, but the timing should be very short.

Le Duc Tho: But we have not discussed the timing now, but when we discuss it then the timing will be decided. In our view we should make an effort so that this timing should be the shortest possible, because we can't discuss the timing now.

Dr. Kissinger: Well, one difficulty is that every time I think we have an agreement and then I summarize it, it begins to evaporate.

Le Duc Tho: You have been negotiating with us for a long time now. All I have told you, when we agree we have respected our words.

Dr. Kissinger: Well, we haven't made so many agreements that I could test that.

Le Duc Tho: It has been tested many times, but probably you, Mr. Special Adviser, are making too many demands. Naturally after the settlement there will be better comprehension of each other.

Dr. Kissinger: Yes, but you see, if there is no time limit on the withdrawal of your forces then the problem of the base areas and the infiltration routes in Laos is not settled—because then you can continue to use them even if there is a ceasefire.

Le Duc Tho: I think that you have spent too much time on this question. What I have stated is very clear. It is not a question of my making a statement for this moment only; we have a whole agreement to be implemented, and we have long-term relations to be maintained. And this depends not only on us but also on you. Our experience in past years, we have signed so many agreements, but who has implemented them? Who has sabotaged them? I do not want to recall here these historical events. So you always wondered whether we shall respect the agreement, but it depends also on you. But we have stated we will carry it out then.

Dr. Kissinger: Yes, but what I want to know is what you are undertaking to do. That is just the question.

Le Duc Tho: I have been explaining to you all morning and you have not understood me. Let me repeat then. After the ceasefire and the agreement in Vietnam, within one month there will be a ceasefire in Laos, then there will be a discussion with our allies in Laos and all

foreign troops will be withdrawn as soon as possible. I shall give you the statement.

Mr. Negroponte [To Mr. Phuong]: This is withdrawn within a period of time as soon as possible?

Mr. Phuong: Yes.

Le Duc Tho: Are you satisfied? Not yet, I am sure.

Dr. Kissinger: No, because I will be told—what I will be told is . . . first of all, the history of the Laotian negotiations is that we have not agreed to a ceasefire in the past unless we were sure that the trails would not be used.

Le Duc Tho: If you raise always such a problem it will not be correct and we will never end our work. When we say there will be a ceasefire in Laos, then there will be a general ceasefire there, and some time later the foreign forces will be withdrawn as soon as possible. And after the agreement is reached in Vietnam then all introduction of troops, armaments, equipment, war matériel into Laos shall be prohibited.

Dr. Kissinger: After the agreement is reached in Vietnam?

Le Duc Tho: After the ceasefire in South Vietnam and in Laos, then there will not be such introductions. Article 15(b), I told you. Not only us, but you too, you should not introduce, should no longer introduce into Laos and South Vietnam. It is in explicit language.

Dr. Kissinger: All right. Now let me understand again. Let me summarize so that I am sure I understand it. "The introduction of military equipment and personnel into Laos will stop immediately when the ceasefire in Vietnam goes into effect.

Le Duc Tho: Let me repeat it. Here in the agreement we have stated that we shall no longer infiltrate our troops, armaments and war matériels.

Dr. Kissinger: Into where?

Le Duc Tho: Article 15(b). In Article 15(b) it will be explicit. [Tho reads the article.]

Dr. Kissinger: But that is only after the forces are withdrawn.

Le Duc Tho: After the ceasefire we shall no longer introduce them into South Vietnam. In Article 15(b) it reads: "Foreign countries shall put an end to all military activities and arms, totally withdraw from, and refrain from introduction into these two countries troops, military advisers, military personnel, armaments, munitions and war matériel."

Dr. Kissinger: Yes, but when will that go into effect?

Le Duc Tho: After the ceasefire in Vietnam.

Dr. Kissinger: "After the ceasefire goes into effect in Vietnam, foreign countries will refrain from introducing into these countries, military troops, armaments and war matériels."

Le Duc Tho: The formulation has been written in the provision and we shall carry out the provision. Once the forces have been withdrawn, what for to reintroduce them?

Dr. Kissinger: Yes, but that is my problem. You have given us no schedule for the withdrawal of these forces, and therefore we continue to face the problem that in your draft the infiltration through Laos and Cambodia remains possible. We just cannot make an agreement that permits infiltration through Laos and Cambodia and into the base areas of Laos and Cambodia for an unlimited time.

Le Duc Tho: I have exhausted my views.

Dr. Kissinger: Well, I have to see.

Le Duc Tho: Because I have given very explicit and clear statements regarding Laos and Cambodia in our draft agreement which says that "We respect the Geneva Agreements of 1954 and 1962."

Dr. Kissinger: Yes, but you say you do that now.

Le Duc Tho: We shall respect our statements here.

Dr. Kissinger: No, but you are saying now that you respect the 1962 Agreements, and you are using Laos and Cambodia.

Le Duc Tho: I told you that I don't like to lengthen the discussion of this question, because if we enter into such discussion it will take endless time. We don't want to recall that it is your violation of the Geneva Agreements of 1954 and 1962 that created the present situation in Laos.

Please look at Article 18.

Dr. Kissinger: Eighteen? We all agree.

Le Duc Tho: It says, "This agreement shall come into force as of its signing. It must be strictly implemented by all parties." Have you understood me?

Dr. Kissinger: You really can solve my problems very quickly if you will tell me that you will stop infiltration through Laos as soon as this agreement comes into force. That is all I need to know. Then I can accept your statement.

Le Duc Tho: I have stated that. Once it is withdrawn, they should be refraining from reintroducing.

Dr. Kissinger: That is where we keep . . . Once they are withdrawn they should refrain from reintroducing, but we don't know when they will be withdrawn! I am using the Minister's old speech of last year. It is like the storekeeper who puts a sign in the window and says "Free meal tomorrow." I don't know whether the Minister has heard that phrase but . . .

Xuan Thuy: I have heard that. I have repeated that same argument to the United States delegation many times but this question is different.

Dr. Kissinger: This is our concern.

Le Duc Tho: I have fully responded to your concern. But your response to our concern is not fully satisfactory to me, in part only.

Dr. Kissinger: To what concern?

Le Duc Tho: You have only satisfied partly my requirement but not fully yet.

Dr. Kissinger: What are we talking about?

Le Duc Tho: I have pointed out that your questions of concern—major questions.

Dr. Kissinger: Well, I think we have covered them. At any rate, we have to get this one resolved, then I have to go back to the other one. I think the Special Adviser understands very well what our problem is. Our problem is that we cannot defend an agreement in which the prohibition is only against the introduction of equipment in South Vietnam but there is no prohibition of the introduction of equipment into all the countries bordering South Vietnam from which traditionally the attacks on South Vietnam have been launched.

Le Duc Tho: "All introduction of armaments and war matériel into Laos shall be prohibited."

Dr. Kissinger: But only after you are withdrawn, and when you are withdrawn, we don't know.

Le Duc Tho: I have told you that after the agreement is signed we shall carry out the provisions of the agreement.

Dr. Kissinger: But that is what we are trying to understand. What is the agreement to be carried out? What in the Special Adviser's view is the obligation with respect to military equipment in Laos?

Le Duc Tho: I have explained to you.

Dr. Kissinger: There must be some mental block. When does the equipment stop? If you say it stops after the ceasefire in Vietnam, I will understand. If you say it will stop after the agreement is signed in Laos, I can understand it. Even if you say one month. But if you say it will stop after your withdrawal is completed, I do not know when that is. It could be anytime.

Le Duc Tho: I have stated that after the signing of the agreement and the enforcement of the ceasefire then there will be no more introduction.

Dr. Kissinger: Into Laos, is my question.

Le Duc Tho: Yes, into Laos.

Dr. Kissinger: Now I don't want to make the Special Adviser's life unnecessarily complicated but if that is true, then according to the text of the agreement there won't be any introduction into Cambodia either, because the text is the same for both. It is satisfactory to me. I am not objecting to this interpretation. If this is the correct interpretation it is satisfactory to me.

Le Duc Tho: It is in this spirit. Let us stop this discussion.

Dr. Kissinger: I will sum it up once more. It will be absolutely the last time. "After the ceasefire goes into effect in Vietnam, there will be no further introduction of matériels, equipment and so forth into Laos and Cambodia. Secondly, the ceasefire will go into effect in Laos one month later, and after that foreign troops will be withdrawn from Laos as soon as possible." Did I understand all of this correctly? All right, if I understood all of this. Is that a correct understanding?

[Mr. Phuong and Le Duc Tho confer.]

Le Duc Tho: But here there must be made—differences should be made between the two questions.

Dr. Kissinger: Which two questions?

Le Duc Tho: As regards the Laos questions I shall give you such a clear statement, but as regards the Cambodia question we should understand each other.

Dr. Kissinger: That is fine. That is acceptable. I just wanted to make sure we understood what we understood.

Le Duc Tho: But keep it confidential.

Dr. Kissinger: Unless you break it.

Le Duc Tho: We maintain always the secrecy. You always reveal.

Dr. Kissinger: No, not when there is a relationship of mutual trust. No, we are starting a new era.

Le Duc Tho: The solution we proposed paves the way for such an era. Now you should show this by good will.

Dr. Kissinger: No, the summing up I have done. This understanding is agreeable to me. I want to say one other thing about the three points. Second, with respect to Cambodia, I accept as a private understanding, without a written document, what you have said. But I feel that I must give you . . .

Le Duc Tho: And verbal only.

Dr. Kissinger: Verbal. I understand. But I will give you a written statement of what the consequences would be of unilateral military actions in Cambodia, so there is no misunderstanding. It is our view. You don't have to accept it. It is along the lines of what I have already said to you.

Le Duc Tho: Yes, and you can give a paper to state your views. But as to accept or refuse your view, it is our right. But I can tell you that once there is a ceasefire in Vietnam and a ceasefire in Laos, the situation will change. So we do not raise too many questions now.

Dr. Kissinger: All right. Now with respect to your forces in the South we have had our . . .

Le Duc Tho: But I should stress the fact that once we respect the provisions on Laos and Cambodia regarding 15(b), you should respect this article, too.

Dr. Kissinger: I agree. Both of us. With respect to your forces, in the last discussion I have made a recommendation to you to which it is not necessary for you to respond. It would make things very much easier. And when we get to the appropriate paragraph, I recommend we try to draft the language the Special Adviser has recommended regarding reduction of military effectives the mobilization of troops.

Le Duc Tho: We shall write it. In order to have peace then there must be a reduction of military effectives. If we wanted war, we would not raise this proposal.

Dr. Kissinger: I agree. I understand. Now we have spent five hours getting through two articles. That is moving.

Le Duc Tho: It is your fault.

Xuan Thuy: You should not imitate the Kleber sessions!

Dr. Kissinger: I was just going to say. You have not even finished one article yet, Mr. Minister. When you finish one, I will listen to you. Ambassador Porter will miss you tomorrow.

Xuan Thuy: Then he will refrain from using adjectives! [Laughter]

Dr. Kissinger: What do you suggest, Mr. Special Adviser, shall we go on to Article 3?

Le Duc Tho: We have progressed too slow in this connection.

Dr. Kissinger: Well, we will go faster from now on. After we finish today, if we finish at all, Mr. Lord will stay here and go over with whomever you designate, to go over the texts and make sure we have the same one. Mr. Lord and Mr. Engel. After we finish the text we will then make absolutely sure and compare it tomorrow.

Le Duc Tho: Now let me speak. Article 2, there is another point. You still use the words "The United States will stop all its acts of force against the Democratic Republic of Vietnam" I would like to propose that "The United States will stop all acts encroaching on the sovereignty and security of the Democratic Republic of Vietnam." Because it involves here not only acts of force. Because once peace is restored and the war is settled, then we definitely can't accept the air reconnaissance by the United States over our territory.

Dr. Kissinger: You didn't accept it with very good grace previously! [Laughter]

Le Duc Tho: We never accept it.

Xuan Thuy: And that is the reason why we shot down your reconnaissance planes!

Le Duc Tho: We accept this sentence in negotiations with Ambassador Harriman because the real situation at that time was that the war

was going on, but now the war has been ended. Therefore, we make this amendment to make it clear. I would propose, of course, in our draft that we state clearly the time, from so and so hours Indochina time, 1972; that is to say G.M.T., 1972, the United States will end all . . . as soon as the ceasefire goes into effect. We propose it, to be specifically clear then, to put the time.

Dr. Kissinger: Well, why would you not consider that under Article 2 or throughout South Vietnam? Can't we just say, "at the same time, at the same hour, a ceasefire shall be observed throughout South Vietnam," and then "as soon as the ceasefire goes into effect?" My only concern is if we put the time here, we will have to put it at the beginning of the next two paragraphs. It is all right with me if you would like it.

Le Duc Tho: All right.

Dr. Kissinger: I think if you put "as soon as the ceasefire goes into effect," it is perfectly clear.

Le Duc Tho: So it would be more specific if we put the time here on which we have agreed to let the United States stop all acts of encroachment.

Dr. Kissinger: Then let us say "at that same hour," I mean we have said "A ceasefire shall be observed as of . . ." Why can't we say "at that same hour" or "from that same hour"?

Le Duc Tho: If in the place of the sentence "As soon as the ceasefire goes into effect," we say "at the same hour," "at the same hour as above."

Dr. Kissinger: At the same hour. "Same" has to refer to "above." Let's not get too pedantic. There is only one hour mentioned in the document.

Le Duc Tho: All right. "At the same hour."

Dr. Kissinger: We won't start cheating in the first 15 minutes.

Le Duc Tho: But you will try to buy time.

Dr. Kissinger: No. All right, now we cannot go further than to say "The United States will stop all military activities." That will cover your point about reconnaissance.

Le Duc Tho: All right. "All military activities."

Dr. Kissinger: One trouble is we are both working from different texts. What we have is . . .

Le Duc Tho: Nothing regarding Article 3.

Dr. Kissinger: Wait a minute. Which text are you gentlemen working from? We are willing to add to the text we have here the phrase "territorial waters." We are not trying to make an exception for territorial waters.

Le Duc Tho: Now Article 3, Article 3(b). You have deleted the sentence ". . . in the regions respectively controlled by them."

Dr. Kissinger: Because it doesn't make any sense. If they remain in-place, where else can they remain in-place?

Le Duc Tho: But it would be clearer.

Dr. Kissinger: To me the opposite is true.

Le Duc Tho: Do you mean in these regions respectively controlled . . .

Dr. Kissinger: Yes, but I am trying to understand why you want it.

Le Duc Tho: It is clearer.

Dr. Kissinger: Yes, but could you explain to me why?

Le Duc Tho: Because at the place carried by military forces there is a region controlled by these forces. Because they have liberated areas. In South Vietnam, there are two armies, two administrations, two regions. They are in the regions respectfully controlled by them.

Dr. Kissinger: What I am trying to understand frankly is this: Frankly, I don't know any towns which your troops hold so I can't give an example, so let me give an example from the other side. Now what would you say in Quang Tri—would you say the whole region of Quang Tri is controlled by Saigon or how does it work?

Le Duc Tho: Yes, speaking of Quang Tri, the greater part of Quang Tri is controlled by the PRG; the Saigon forces control only small part.

Dr. Kissinger: But when you say "in the region," how many miles is that? Is the whole region controlled by Saigon?

Le Duc Tho: The General has been to South Vietnam. He must know which one is controlled by South Vietnam and which one is not. Because without the whole liberated areas how can they keep their troops, how can they locate their governments? And you know in South Vietnam there are two armies, two administrations and two different regions.

Dr. Kissinger: I frankly have been wondering where they would locate their government.

Le Duc Tho: They have many places.

Dr. Kissinger: But that is not my problem. I have enough worries with Laos and Cambodia.

Le Duc Tho: Now you say for the past ten years that fighting against your troops have been going on and the question of location of these troops does not arise, but the fighting has been going on all the time.

Dr. Kissinger: But the problem is, if you say the military are free to move in whatever region they claim they control, we are right back to where we are now. That is what is going on now.

Le Duc Tho: The real situation in South Vietnam is that each force has its own region controlled by itself. So that is more accurate, our formulation.

Dr. Kissinger: We are prepared to say that after the ceasefire is in effect the Joint Commission shall determine the modalities, such as radius of operation and so forth. We are prepared to put it there. But if you begin the ceasefire in-place by permitting everyone to move around in the region they claim they are controlling, and since this is in dispute—that is why they are fighting—there will not be any ceasefire. I agree that they cannot stay in their place forever, but the Joint Commission ought to be able to work out how many miles they can move and so forth.

Le Duc Tho: Yes, the decision of the Joint Commission is something that can go later. But now do you agree that in South Vietnam there are two different regions controlled by two different armies? So I think it more accurate that we say “these forces remain in place in the regions controlled by them.”

Dr. Kissinger: No, I agree that obviously when there are two forces it is obvious they have to be somewhere. If you want to say “in the locations controlled by them,” that is acceptable to me.

Le Duc Tho: All right. We agree. Our word does not exactly correspond to the English word “location.” Location is too limited, you know, because our word is “the area controlled by them.”

Mr. Engel [To Dr. Kissinger]: They want to say “the place where the soldiers are stationed.”

Dr. Kissinger [To Mr. Engel]: That’s OK, by me, but they won’t move out of that place to another 50 miles.

Le Duc Tho: Then it is synonymous to “remain in-place.”

Dr. Kissinger: That’s what we want.

Mr. Engel [To Dr. Kissinger]: They think that is too narrow and restrictive and they won’t accept it in our sense.

Dr. Kissinger: If these units are free to move around without any strict control, then we don’t have a ceasefire. We cannot go to our public or to Saigon and say we have stopped bombing, we have stopped mining, we have stopped all other activities, in return for a ceasefire which is interpreted to mean everybody can go into an area with total freedom, into whatever he defines in his area right now. That is the reason for the existence of the war. That’s ridiculous. When we said general ceasefire, you wanted standstill ceasefire; now that we want standstill, you want to move around.

Xuan Thuy: There are two cases. The first is that in one region there is the presence of the forces of the two sides, and the second case is that there are larger regions in which there are different positions which the PRG or Saigon forces are controlling. In such a large region in which there are many positions of the PRG, you say the PRG is controlling a large region, [even though] there are [only] two or three

locations of the PRG troops. But then there is no reason that the PRG forces cannot move in the region actually controlled by the PRG. Now in a region controlled by the Saigon forces, [though in] this larger region there are only three or four spots in which there are Saigon forces, there is no reason that the Saigon forces cannot move in this large area.

Le Duc Tho: But to take into account the views of both sides, I propose the following: "That the armed forces of the two South Vietnamese parties shall remain in-place. The Joint Commission described in Article 12 shall determine the modalities and shall determine the regions controlled by each side and determine the modalities of stationing.

Dr. Kissinger: We are willing to say "shall determine the radius of operation permitted to each side."

Le Duc Tho: They can determine the region controlled by each side.

Dr. Kissinger: That may be one of the results but we are not prepared to say that.

Le Duc Tho: If you do not agree to that amendment, that shows that you deny the fact that there are two different regions.

Dr. Kissinger: That is not a question that we should settle. We obviously admit that there are two different armies or there can't be a ceasefire in-place. We are obviously admitting that both armies control something, but we are now discussing what it is that these two armies are permitted to do. We are not making a judgment as to what regions they control.

Le Duc Tho: I think that these determinations should be very clear because if not we can't define the locations of the troops. So we have taken into account your views, and say that "the two armed forces of the South Vietnamese shall remain in-place. The Joint Commission described in Article 12 shall determine the regions controlled by each side and the modalities of stationing of forces." This is the precise work of the Joint Commission. It cannot avoid this work. Before the decision of the Joint Commission, then the troops of each side shall remain in-place. So what we propose here is something correct and accurate.

Dr. Kissinger: We can say "can determine the areas controlled by each side and the modalities of stationing."

Le Duc Tho: The Vietnamese word means "area" or "region."

Mr. Engel [To Dr. Kissinger]: The Vietnamese word "area" has the same concept as "region."

Dr. Kissinger: What does it mean, "shall determine the modalities of stationing"?

Le Duc Tho: As long as there is a ceasefire military operations will not be resumed. It is stationing.

Dr. Kissinger: I would like to see the modalities of the operation of the Joint Commission; I hope they develop a spirit of national reconciliation and concord quickly. OK?

Le Duc Tho: Article 3(c). Agreed.

Dr. Kissinger: All right. Now we have agreed on two more lines in half an hour. We are going very fast.

Le Duc Tho: Article 3(c). Your paragraph "All military forces on the ground, in the air and on the sea will be prohibited." We propose "All acts of combat and reconnaissance activity in the air and on the sea will be prohibited."

Dr. Kissinger: Does that mean that they can't fly any airplanes?

Le Duc Tho: They will determine their flight paths.

Dr. Kissinger [To General Haig]: The 21st Division will like this. [To Le Duc Tho]: I said I know a South Vietnamese division who practices this already. [Laughter]

Xuan Thuy: They have done this before the ceasefire?

Dr. Kissinger: Already before the ceasefire. [Laughter] I have followed their operations for two years and their intelligence is perfect: They are always where your forces are not.

I don't think we have the right to give that precise a directive to the South Vietnamese. We have no concern about stopping all offensive activities and we have no objection for the Joint Commission to develop a radius of operation, but in this case, where it is not our forces, we cannot go beyond "all acts of force." But if you want to add "shall strictly abide by the following stipulations pending further elaboration by the Joint Commission. . . ."

Le Duc Tho: You know these stipulations apply also for United States forces because they apply immediately after the ceasefire, before the withdrawal of the U.S. forces.

Dr. Kissinger: But we have no ground forces left in South Vietnam.

Xuan Thuy: Because you say immediately after the ceasefire your troops will be there for two months more, so your reconnaissance and combat should be applied to your forces.

Dr. Kissinger: Our acts of force belong to combat. We don't mind saying "all combat activity on the ground and in the air."

Xuan Thuy: So you want to keep reconnaissance activities?

Dr. Kissinger: As long as we have American forces in Vietnam we must have means to protect them. We are talking about South Vietnam. It is inconceivable that we ground all our airplanes for two months while we are there. But we are pulling them out.

Le Duc Tho: So if you defend them, then combat begins again.

Dr. Kissinger: We will not. There is a prohibition against offensive activities, we have no ground combat forces there anyway, and we will be withdrawing very rapidly on this schedule.

Le Duc Tho: Let us set aside this sentence for the time being. Let us shift to other sentences.

Dr. Kissinger: I thought the rest of the document was already agreed.

Le Duc Tho: Well, we finish, then return to the point.

Dr. Kissinger: All right.

Le Duc Tho: Article 3.

Dr. Kissinger: Are you still at 3?

Le Duc Tho: Article 3, last sentence. "All acts of terrorism and reprisal . . . will be banned." We propose "All hostile acts" so as to avoid conflict between the two parties and "acts encroaching on the lives of the people of Vietnam." "All hostile acts, terrorism and reprisals by both sides, and all encroachments on the lives and property of the people shall be prohibited." It is aimed at preventing a soldier from encroaching on the lives and the property of the people.

Dr. Kissinger: I am not in favor of encroaching on the lives and property of the people, but it has nothing to do with ceasefire. I don't object to restoring "All hostile acts, terrorism and reprisals . . . will be banned," but the other is covered under democratic liberties—and for that matter under "hostile acts."

Le Duc Tho: The reason we have put this sentence is normally the Saigon troops very frequently encroached on the lives and the property of the people. Therefore the presence of this sentence is good.

Dr. Kissinger: I am not contesting it. I am not affirming it either. But here we are talking about a ceasefire among the parties and not about the behavior of the troops.

Le Duc Tho: I think that this sentence is good in the sense that it will prevent the bad behavior of the Saigon troops and all undisciplined acts of their soldiers.

Dr. Kissinger: I don't see how a sentence will prevent lack of discipline.

Le Duc Tho: It limits.

Dr. Kissinger: I repeat, I am not in favor of encroachment on the lives and property of people. I think the paragraph that talks about ceasefire should deal with acts in which the two parties impinge on each other, so I'd even question "hostile acts, terrorism and reprisals," which should be covered under democratic liberties. But I can understand it because it involves the conflict of the two sides. But when you want to pass judgment on one army or the other then it seems to me this is not the section for it. We agree on adding "hostile acts."

Le Duc Tho: This sentence will prevent the conflict between the soldiers and the people.

Dr. Kissinger: No sentence will prevent anything as such. The point we have to address is, what is this section supposed to do. This section is supposed to establish the framework of the ceasefire and the framework of the American withdrawal, not misconduct against the people. It is a political problem, not a ceasefire problem.

Le Duc Tho: Let us put this provision aside then.

Dr. Kissinger: All right.

Le Duc Tho: Article 4.

Dr. Kissinger: I was hoping this one would not be challenged.

Le Duc Tho: I have commented on it yesterday. Now we propose to delete the part of the sentence saying that "After the agreement becomes effective, the parties shall not continue its military involvement and intervene in the internal affairs of South Vietnam." We propose to delete that part of the sentence "After this agreement becomes effective," but to maintain "The United States shall not continue its military involvement in the internal affairs of South Vietnam." And we add another sentence saying that "The United States shall not have any acts of encroachment on the sovereignty and security of the Democratic Republic of Vietnam."

Dr. Kissinger: That we have already done.

Le Duc Tho: Previously it deals with past actions of the United States, but this provision will cover actions by the United States in the future.

Dr. Kissinger: What covers past actions of the United States?

Le Duc Tho: Article 2, because previously we proposed that the United States shall end all military activities against the DRV. Now we propose for this Article 4 "The United States shall not engage in any encroachment against the sovereignty and security of the Democratic Republic of Vietnam."

Dr. Kissinger: We can accept your first proposal. We can agree to delete the phrase "After the agreement goes into effect." We cannot agree to the second for the reasons which we have already given you. I think we have said enough about what we will not do with respect to the DRV.

I don't think I will make my plane at 4:30.

Le Duc Tho: We agree to delete this.

Dr. Kissinger: I am beginning to think the associate at your left is causing more trouble than the Minister.

Le Duc Tho: You too have associates, on the right and left.

Dr. Kissinger: They want to go home. They have wives. I don't have a wife. I am patient. I was supposed to go to a birthday party

for Joe Alsop tonight. I want you to know that he will not consider this agreement binding on him.

Le Duc Tho: Article 5. We propose the following: "As of the signing of this agreement, shall be completely withdrawn from South Vietnam all troops, military personnel of the United States and those other foreign countries allied to the United States and to the Republic of Vietnam including military advisers, technical military personnel, the advisers for paramilitary organizations, advisers for pacification, advisers for the police forces, advisers for the psychological warfare and all civilian personnel serving in military branches and all branches of the Republic of Vietnam relating to the waging of war. This withdrawal would be completed in 60 days." We have reduced in length this provision.

Dr. Kissinger: I've never heard of the psywar advisers.

Le Duc Tho: We have reduced the length of this article. In the Geneva Conference of 1954 and 1962 they enumerate what shall be withdrawn. But in the provisions it is deleted "for other branches of the Republic of Vietnam." As to the aircraft carriers and United States warships, you said you put in your agreement, but it is not.

Dr. Kissinger: Oh no, we cannot put them in the agreement.

Le Duc Tho: So please give a verbal statement that we can take in our session, take note.

Dr. Kissinger: The verbal statement is that "After the withdrawal of our forces is completed, the aircraft carriers will be moved a distance of 300 miles from the shore except, for [movement for] transit purposes." Now it is important that we keep that assurance confidential until I can tell you when.

Now to get back to the categories of people you would like to eliminate. Of course you understand we cannot absolutely guarantee the withdrawal of other foreign countries, but we will use our influence. We do not think this will be a problem.

[Reading] "Military advisers, technical military personnel, advisers on pacification"—I don't know what that phrase means and we have to eliminate it.

Well, let me go through your categories of what we can accept: Military advisers is all right; technical military personnel is all right; advisers for paramilitary organizations is all right; police forces, that is all right; advisers on pacification we cannot accept; advisers on psychological warfare, I don't think there are any. There aren't any civilian advisers on psychological. We can't write that. It gives the wrong impression in an agreement. We can accept military advisers, technical military personnel and paramilitary advisers.

Le Duc Tho: Regarding the advisers on pacification, we cannot accept your view. It is a military organization repressing the people.

Dr. Kissinger: I don't know what you mean by pacification. Maybe we have different words for it. What we mean by pacification is economic development, rural development and so forth. What do you mean?

Le Duc Tho: In the Saigon army they organized what they call pacification units and advisers in pacification work.

Dr. Kissinger: But they don't have American advisers. What we mean by pacification, Mr. Special Adviser . . .

Le Duc Tho: John Paul Vann was an adviser on pacification.

Dr. Kissinger: That is what we can't accept. John Paul Vann was . . . what we understand by pacification is the economic development and civilian activities, together with some security activities like police work. Now we have already agreed that our advisers would withdraw from police work and from paramilitary organizations.

Le Duc Tho: You see the pacification work in South Vietnam is a major military organ of South Vietnam and they carry out major sweeping operations, sweeps with military forces, and in these military forces there are advisers.

Dr. Kissinger: We have already agreed that military advisory personnel shall be withdrawn.

Le Duc Tho: In the report by Mr. Lowenstein and Mr. Moose done in 1972 they mentioned about advisers on pacification work.

Dr. Kissinger: Moose used to be on my staff! That may be, but most of the ones that you object to are covered in the categories which we have already agreed to. What we are trying to preserve are the civilians who are not working for . . . It is impossible. If we cannot have people who are working in paramilitary, police or in the army, it is impossible to engage in any military or paramilitary activity.

Le Duc Tho: And all the civilian personnel serving in military branches.

Dr. Kissinger: Yes, we can accept that.

Le Duc Tho: So we delete "the advisers for psychological warfare."

Dr. Kissinger: And for pacification.

Le Duc Tho: But we have deleted the psychological warfare. There are remaining a great number of advisers for pacification.

Dr. Kissinger: I don't give a damn about advisers for psychological warfare. The military advisers for pacification are going.

Le Duc Tho: So we still differ in connection with advisers on pacification.

Dr. Kissinger: That is correct.

Le Duc Tho: Lay it aside for the time being.

Dr. Kissinger: I want to make a general comment. You seem to be working from your text and I, of course, from our text. They are often

the same, but your English is so bad that I would prefer to work with our text.

Le Duc Tho: We have your text.

Dr. Kissinger: What is your next problem?

Le Duc Tho: Article 6. Nothing for Article 6.

Article 7 regarding the replacement of armaments.

Dr. Kissinger: Wait a minute. On Article 6 I want to make a statement. I want to make clear that we are talking only about bases owned by the United States, not bases that are owned by the South Vietnamese armed forces.

Le Duc Tho: Article 7.

Dr. Kissinger: That is understood, so it won't be disputed. All right, Article 7.

Le Duc Tho: We maintain our proposal saying that the two parties shall be permitted to make the replacement of armaments. I repeat the provision: "After the cessation of hostilities the two parties shall be permitted to make periodical replacement of armaments, munitions, war matériel, on the principle of equality between the two parties."

Dr. Kissinger: That isn't what you gave us yesterday. And secondly, we can't accept it—it depends what you mean by it.

Le Duc Tho: We want to say that when the replacement of armaments is carried out then it should be the preservation of the principle of equality between the two parties.

Dr. Kissinger: So that if one artillery piece is replaced by one side, there must be an artillery piece added to the other side. Is that what you mean?

Le Duc Tho: Right.

Dr. Kissinger: Well that is impossible, and that is not what the 1954 Agreement said. We are prepared to accept the provisions of the 1954 Agreement and the same language.

Le Duc Tho: Another thing, we propose to delete the sentence "or into any base areas in Indochina supporting the war in Vietnam." Previously there was not such a sentence. I have referred to this when . . .

Dr. Kissinger: On the basis of what the Special Adviser affirmed before on Laos and Cambodia, we are prepared to delete the sentence. But we cannot go beyond what we have written here.

Le Duc Tho: Regarding the replacement of armaments, I think that in 1954 it was different from what it is now. We propose that the principle should be of equality between the two parties until a decision by the definitive government of South Vietnam.

Dr. Kissinger: Yes, I understand this. I understand your position. But our position is that we have stretched our willingness to come to

an agreement on this point to the absolute limit, and if we go beyond this we are making an excessive unilateral concession, which is that you are free to receive unlimited aid. They can receive new replacements in Saigon but if then the PRG has a veto over the replacement, it becomes an impossible agreement to put forward. So I must say we cannot go beyond what I have given you. This is as serious a problem for us as the Laotian and Cambodian problem is for you. I can assure you we will use our influence to exercise very great restraint with respect to this problem in accordance with what I have told you.

Le Duc Tho: I think that is fair to say that now there are two forces in South Vietnam and the replacements should be equal.

Dr. Kissinger: We are not saying what the replacement of the other side is. The replacement should be equal to that which is being replaced. The weapons wear out at a different rate.

Le Duc Tho: So let us put this one aside.

Now regarding the question of return of captured people. I have expressed to you all my views on that subject. We will not accept the word “innocent people, innocent civilians.” Because if we call them “innocent civilians” then those civilians automatically have no crime at all, so automatically they must be released and they shall be returned to the other side. Here we want to refer to the military and civilian personnel. If you don’t mention military and civilian personnel, then there would be tens of thousands of civilians captured for political reasons who will not be released. This we can’t accept.

Dr. Kissinger: We don’t say that they should be. We have split it into two categories in the interest of speed. We have one category of military personnel and innocent civilians, because on this agreement is rapidly possible. It is within our competence to agree to this.

The second category is other civilian personnel, and we think that this should be resolved by the South Vietnamese parties because there is no possibility in getting an agreement on the schedule we have set ourselves if the idea of the Special Adviser is included.

Le Duc Tho: This we can’t accept. So at the return of all captives of the parties, then after the end of the war all people who are listed could be released. It is also major problem for us. Our conscience cannot be cleared when the war is ended and tens of thousands of people captured during the war are still in jail.

Dr. Kissinger: I understand what the Special Adviser is saying and we would be prepared to give the Special Adviser an assurance that the United States will use its utmost influence to bring about the release of any civilians that are detained for political activities, in addition to the ones of Article (c). But I know that as a practical question there is no possibility of getting the agreement accepted in such a short time

frame if we do not operate on this basis. We will use our maximum influence.

Le Duc Tho: I feel that it is a difficult question.

Dr. Kissinger: It is a very difficult question.

Le Duc Tho: For the time being I have not found any word to replace it to meet each other.

Dr. Kissinger: I haven't either. I understand your problem, Mr. Special Adviser, and we will certainly use our influence and we think we can bring about some amnesty. But I know if we write it into the agreement now, it will not yield a good result, and it may even be dangerous to the people we want to protect. I am speaking very frankly to you.

Le Duc Tho: Now in this connection I speak with reference to American military men and civilians captured in Laos. Speaking of principles, we have no obligation to solve this question in Laos, but to show our good will I have offered a solution to solve this problem. But here there are people who have opposed Nguyen Van Thieu's administration and who oppose Americans in South Vietnam too. After the war is ended it is your responsibility to have these people released.

Dr. Kissinger: They are unfortunately not in our control. We understand the principle, and we can certainly use our influence. And we will use our maximum influence, but it will take some time.

Le Duc Tho: Now if we accept your formulation here, it cannot be understood by the South Vietnamese population. Because after so many years of war, now they are still in jail. I have never seen any war in history that after the settlement of the war, the two sides still keep the people they captured from the other side. The two sides, if they want to materialize the national concord and national reconciliation, they cannot.

Dr. Kissinger: No, I do not say they should keep them. I say they should discuss it among themselves. We certainly think we can say that it should be resolved in a spirit of national reconciliation and concord and with a view towards ending the hatred. So that there are some very concrete criteria, and as I said, we would certainly use our influence strongly in that direction.

Le Duc Tho: We find it very difficult, because speaking of sentiment, speaking of influence among the population, if you keep this we don't know how to solve it. It is illogical. If national reconciliation and national concord are to be implemented, how you can avoid the sentiment of tens of thousands of families in South Vietnam, now they have their relatives in South Vietnamese jails.

Dr. Kissinger: But the Special Adviser said to me more than once, on a number of very difficult issues, that it is hard to press him too

much. And I interpreted this to mean that he could do something, but we should not press him formally to do so. Similarly, we are in the same kind of position. If we write it, it could cause an explosion in Saigon next week. We are here in a very comparable position. It is a very difficult problem for you and a very difficult problem for us. When we say we will use our maximum influence, that has a very concrete meaning. But we cannot bring it about next week. But we are certain we can bring about some releases—after the first impact of this document has settled down. This is the practical problem which we will face.

Le Duc Tho: I propose to lay aside this question here. I still disagree with your views, because your argument is not convincing yet.

Dr. Kissinger: Could we take a five minute break? Five minutes, very brief. Excuse me. Were you saying more about this, or were you going on? I am sorry. I thought you wanted to go on to the next chapter.

Le Duc Tho: Then let us finish this Article 8(b), the last sentence. You have “such other measures as may be required to verify those still considered missing in action.” We are going to “such other measures necessary to get information about people missing in action.”

Dr. Kissinger: I don’t know what the difference is. In English it makes no difference, except ours is better English.

Le Duc Tho: We mean “to get information about.”

Dr. Kissinger: We don’t mind saying “to obtain information,” “get” is a bad word. “To obtain.”

Le Duc Tho: Let us have a break now.

Dr. Kissinger: One point, you have in your (a) “military men captured in Vietnam.” We cannot say this. We have therefore our phrase for 8(a) which doesn’t mention the area.

Le Duc Tho: Where are they captured and detained then?

Dr. Kissinger: We said “of the parties.”

Le Duc Tho: So please have a break.

Dr. Kissinger: Thank you.

[The break lasted from 4:30–5:00 p.m.]

Dr. Kissinger: This is the fifth time that I have gone through this exercise. With your allies.

Le Duc Tho: On Vietnam?

Dr. Kissinger: No, not Vietnam, on other subjects. Strategic arms limitation.

Le Duc Tho: Is it really limited? [Laughter]

Dr. Kissinger: The numbers are limited; the quality is not.

Le Duc Tho: Let me now deal with Chapter IV. You can see in general this is the chapter where we have made the great concessions,

so now there are still a few minor problems left and you should make concessions. Moreover, this question will have three months for the discussion of the two parties. In any case, we have the provisions recorded here. Let me go point by point.

Article 9(a), (b), (c), (d), (e). You have put “strive to achieve national reconciliation and concord.” We propose now . . . “strive to” does not show the effort made; therefore we propose that they “actively achieve national reconciliation and national concord.”

Dr. Kissinger: Did the Special Adviser want my answer now?

Le Duc Tho: Yes.

Dr. Kissinger: I recommend we take out “strive to” and just say “will achieve,” what you had to begin with.

Le Duc Tho: Now about the name. We propose that “an administrative structure be set up called the Supreme Council of National Reconciliation and Concord of South Vietnam.” Previously we proposed “an administration called.” Now “an administrative structure.” We have shown now the flexibility on this subject, so now we propose that this name of Supreme Council of National Reconciliation and National Concord. So you should give us a concession on that subject to show your good will and real desire to respond to our question of concern. As to the word “oversee,” we propose “to see to and to supervise” the two parties.

Dr. Kissinger: We are operating now from which document, yours or ours?

Le Duc Tho: Our document. Because in our Vietnamese language if we convey the idea, the concept of “oversee” into Vietnamese, then it would look like a grown-up person to look after the children. So it should be “see to and supervise the implementation of the agreement.”

In every place we put “national reconciliation and national concord” in every place.

And to “organize general elections,” we would add “general elections mentioned in Article 9(b).” We would like to say “general elections” and not elections only.

Dr. Kissinger: I will listen to everything that the Special Adviser has to say and then I will respond all at once.

Le Duc Tho: Once previously you have written “general elections,” now you delete the word “general”; you only mention “elections.” Previously you have agreed also to our mention of Article 9(b). We mention the general elections and the local elections because here in Saigon Administration they organize also local administrations, although not democratic elections.

We have put “laws and modalities on general elections.” You mention “procedures and modalities.” We accept this.

Dr. Kissinger: Thank you.

Le Duc Tho: In point (f) we propose that “the two South Vietnamese parties will hold consultations in a spirit of national reconciliation and national concord, equality, mutual respect and without mutual elimination, in order to set up the Supreme Council of National Reconciliation and Concord and to settle all other internal matters of South Vietnam.”

Dr. Kissinger: That is our point (f).

Interpreter: Formerly (i).

Dr. Kissinger: Formerly (j) is now (f). You accepted our transposition, which I am in favor of. I think that is a very good thing. I agree.

Le Duc Tho: But for the period for discussion, the three-month period, we still maintain in this paragraph that the South Vietnamese will sign an agreement on all internal matters of South Vietnam, the sooner the better and not later than three months after the ceasefire. You put this three months period in paragraph (g).

Dr. Kissinger: No, we accept that it goes in paragraph (a). That is no problem. All right, you have given me so many changes. Is this everything? It is every paragraph?

Le Duc Tho: All in this paragraph. I have finished. There are three points only. First, the name the “administrative structure” will be called. Secondly, we add “general” to “elections.” And third, “the formation of Councils of National Reconciliation and Concord at all levels will be settled after the Council of National Reconciliation and Concord assumes its functions.” Because if we put that the two South Vietnamese sign an agreement on all internal affairs of South Vietnam, the sooner the better, and after the three months of ceasefire, it means the two Vietnamese parties have discussed this question so there is no need to agree upon by the South Vietnamese. Moreover, all this chapter was further discussed by the two South Vietnamese parties before they sign the agreement. Here we agree between us two, but the two South Vietnamese will discuss and agree in three months time after the ceasefire.

Your point (i).

Dr. Kissinger: Our point (i). Let us settle the others first before we get to (i).

First of all, we are suffering from the fact that our languages are extremely different. So let me read what I have here for point (f), in order to avoid total confusion: Our present version is “The two South Vietnamese shall hold consultations in a spirit of national reconciliation and concord, mutual respect, and mutual non-elimination . . .” Now you want to add “to set up an administrative structure called the Supreme Council of National Reconciliation and Concord.” I am just talking about this sentence. Is that correct?

Le Duc Tho: Our point (g) that is to say your point (f). Your point (g) differs from our point (f).

Dr. Kissinger: We don't even have a point (j). No, our point (g) is different. Our point (f) is different from your point (f). Our point (f) is your point (i). And we want to move that before your point (f), and you want that too.

Le Duc Tho: Agreed.

Dr. Kissinger: All right. Now I just want to read you the first sentence of that, if it is in our document.

Le Duc Tho: But in your version there is no sentence that "the South Vietnamese will sign an agreement on these and other internal matters."

Dr. Kissinger: No, we will put that at the end of (f). I have agreed to it, so we move the last sentence of (g) to the end of (f).

Le Duc Tho: Agreed.

Dr. Kissinger: All right, now let us get to the substance of these sentences. Now at the first sentence you want to say "shall hold consultations in the spirit of national reconciliation and national concord, mutual respect, and mutual non-elimination to set up an administrative structure called the Supreme National Council of National Reconciliation and National Concord."

Le Duc Tho: Right.

Dr. Kissinger: That is what you want. What I would propose is "to set up a structure called a National Council of National Reconciliation and Concord."

Le Duc Tho: We would like to call it "administrative structure."

Dr. Kissinger: Administrative structure.

Le Duc Tho: Called Supreme Council of Reconciliation and Concord.

Dr. Kissinger: "Supreme" we cannot accept.

Le Duc Tho: We delete the word "Supreme."

Dr. Kissinger: We just say then "administrative structure called the National Council of National Reconciliation and Concord."

Mr. Phuong: It is different between government and administrative structure. The name we accept—the National Council of National Reconciliation and Concord.

Dr. Kissinger: Let me think about the word "administrative." I accept the word "structure," to set up a structure. I will think about the word "administrative" for a bit. Now then we add a sentence saying "The Council will operate on the principle of unanimity."

Le Duc Tho: Agreed. Then you should keep "administrative structure." It is little meaning only but because the name is called National

Council of National Reconciliation and Concord, it will not be called National Administration, no, it is “administrative structure.”

Dr. Kissinger: Let us see how the text of the paragraph will read when we are finished with it. I am disposed to try to find it possible. So we have “The Council shall operate on the principle of unanimity.” That is agreed.

Le Duc Tho: Agreed.

Dr. Kissinger: Now what is your next sentence?

Le Duc Tho: You put in your proposal “the two South Vietnamese parties will consult on the formation of subordinate bodies.” We propose that “the two South Vietnamese will set up councils of national reconciliation and concord at all levels after the National Council of National Reconciliation and Concord assumes its functions.” After the formation of the National Council of National Reconciliation and Concord, the councils at various levels will be formed. It is for logic; for the purpose of implementing national concord and reconciliation. Last time you already said that the central body can have its structure down to its provincial level. We propose to the village level, because in South Vietnam you have even at the level of village, the lowest, in a village there are many hamlets, and there are hamlets belonging to one side and hamlets belonging to the other side. Therefore, the national reconciliation cannot be implemented between the two sides without the local body. At this level then there is a conflict between the two sides.

Dr. Kissinger: That may or may not be true. My problem is what we should say in this document. We cannot ourselves say at what level these councils should operate; I think that the Vietnamese parties together with the Council can decide at what levels it should operate.

Le Duc Tho: We propose this now: “the formation of the Council of National Reconciliation and Concord at all levels will be carried out after the National Council of National Reconciliation and Concord assumes its functions agreed upon by the PRG and the Saigon Administration.” So there is no harm in recording this way.

Dr. Kissinger: Can you say it again?

Le Duc Tho: “The formation of the Councils of National Reconciliation and Concord at various levels will be carried out after the National Council of National Reconciliation and Concord assumes its function with the agreement of the two South Vietnamese parties.” So, in agreement by the two South Vietnamese parties, this way of formulation will have no harm because they will agree on it.

Dr. Kissinger: I would never suspect the Special Adviser of wanting to do harm with a formulation. [Laughter]

Le Duc Tho: So regarding the Vietnamese armed forces in South Vietnam . . .

Dr. Kissinger: No, I am not ready. We haven't agreed on this paragraph yet. [The chef, Mr. Can, serves tea.] He is already practicing concord and reconciliation—international concord and reconciliation. [Laughter]

I propose the following sentence, which is as far as we can go: "After the National Council of Reconciliation and Concord has assumed its functions, the two South Vietnamese parties will consult about the formation of councils at lower levels."

Also I think I can accept the word "Administrative" before "structure," to show my good will.

Le Duc Tho: What about the general elections?

Dr. Kissinger: Have we agreed then on this sentence? I will agree to the "general elections" too. I want to make one concession every five minutes. I want to go through sentence by sentence and I want to make sure Mr. Lord has the document we all agree on.

Le Duc Tho: I agree with your proposal, "After the formation of the National Council of National Reconciliation and Concord the two South Vietnamese parties will consult on the formation of councils at lower levels."

Dr. Kissinger: Yes, the South Vietnamese parties. The two South Vietnamese parties.

Le Duc Tho: The two South Vietnamese parties. Yes. I agree to your acceptance as to the "administrative structure."

Dr. Kissinger: You have just disproved a theory of mine. I have had the theory for 19 of our 20 meetings that if I ever accepted a proposal of the Special Adviser's, he would reject my acceptance, because he would think there was something wrong with his proposal. [Laughter] But I was wrong, Mr. Special Adviser.

Now we have the general elections in the next paragraph. So I will wait until we come to it. I will certainly agree to mentioning 9(b). But let us say I want to make sure we have this paragraph correct. What do you then have as the next sentence? How do you conclude this paragraph?

Le Duc Tho: "The two South Vietnamese parties shall sign an agreement on the internal matters of South Vietnam as soon as possible and not later than three months after the enforcement of ceasefire."

Dr. Kissinger: It is fine to move the sentence there. So we agreed with moving the sentence here. We, however, have a slightly different formulation, and the difference is "do their utmost to accomplish this within three months after the ceasefire comes into effect."

Le Duc Tho: I agree.

Dr. Kissinger: All right. Fine. Let me read the whole paragraph because I want to make absolutely sure we are agreed: "Immediately

after the ceasefire, the two South Vietnamese parties shall hold consultation in a spirit of national reconciliation and concord, mutual respect and mutual non-elimination to set up an administrative structure called a National Council of National Reconciliation and Concord of three equal segments. The Council shall operate on the principle of unanimity. After the National Council of Reconciliation and Concord has assumed its functions, the two South Vietnamese parties will consult about the formation of councils at lower levels. The South Vietnamese parties shall sign an agreement on this and other internal matters of South Vietnam as soon as possible and do their utmost to accomplish this within three months after the ceasefire comes into effect."

Le Duc Tho: We still need in the sentence "in the spirit of national reconciliation and concord and equality and mutual respect."

Dr. Kissinger: Well, I think that "non-elimination" really implies equality.

Le Duc Tho: Previously you have mentioned about equality between the segments, so we should put it here. Equality in the armed forces of South Vietnam.

Dr. Kissinger: I must tell you candidly. Our problem is that I do not believe we can convince Saigon to put in this word. We are already having unbelievable difficulty about three equal segments. In fact, I am sure they will reject this too, but we will have to use some very strong arguments.

Le Duc Tho: For the South Vietnamese armed forces I have agreed to "equal and mutual respect."

Dr. Kissinger: I tell you quite honestly I have done this without any authority. I can perhaps sell it there in the context of armed forces, but if I put it in here it will be impossible. I have no authority to do this. I have done this on my own responsibility.

The fact that I have agreed to national councils will be a very shocking thing for Saigon. If on top of it in the same sentence I agree to "equal" and since they cling to words the same way their neighbors do in the North, I tell you candidly, it is better to save "equality" for the next paragraph.

Le Duc Tho: So I agree to delete the word "equality" here. But "the two South Vietnamese parties" shall sign an agreement, and not "the parties."

Dr. Kissinger: The two South Vietnamese parties. He's absolutely right.

Le Duc Tho: Point (h).

Dr. Kissinger: The Special Adviser is getting very impatient. Can we finish (g) next? (g) that is your old (f). I propose instead of "oversee" we say "shall promote."

[Mr. Phuong reads meaning of “promote” from dictionary to Le Duc Tho.]

Le Duc Tho: I propose “to promote and to supervise.”

Dr. Kissinger: No, it is the word “supervise” that I am trying to avoid, because in English that is a bad word. “Encourage.”

Le Duc Tho: I agree “to promote,” “to promote the two parties.”

Dr. Kissinger: “And ensuring of democratic liberties.” Then the Council will organize—what would you like to say? “General elections”? or you want to say “free and democratic elections as provided by Article 9(b)?

Le Duc Tho: Right. “General elections” as mentioned in 9(b).

Dr. Kissinger: Yes, but 9(b) doesn’t mention “general elections.” It mentions “free and democratic.” Oh, you have “general.” We don’t.

Le Duc Tho: We should put “general elections” and you have agreed to 9(b) too.

Dr. Kissinger: Yes, but we have a different version. We have “free and democratic.” We do not have “general elections.”

Le Duc Tho: I propose to add the word “free and democratic general elections.” General means nationwide. It is different from local elections, general elections or South Vietnam elections. We understand this way. When you call general election, it is election to elect a national assembly or in your country, the election of the President there is general election, but the election organized in a locality we call elections or local elections.

Dr. Kissinger: Well, we will accept “free and democratic general elections” with the understanding that “general” doesn’t determine the office but the area it covers. In other words it is a national election, maybe for the President, maybe for the assembly, to be determined later.

Le Duc Tho: Right. We do not mention to elect what body or whom. We mention here general elections.

Dr. Kissinger: So I accept general in the sense of nationwide, for an office not specified.

Le Duc Tho: Agreed. And about local elections.

Dr. Kissinger: Well, now let me finish first. “The Council will organize free and democratic general elections and decide the procedures and modalities of these elections.” And “will organize the free and general elections provided for in Article 9(b).” In that case I would like to make one change in 9(b). Instead of saying “the political system” which in English has a very heavy sound, I would like to say “shall decide themselves the political future of South Vietnam.” It is less—well, you don’t mind doctrine but in English it has a very heavy sound. There is no other way.

(Repeats again the whole sentence.) “The South Vietnamese people shall themselves decide the political future of South Vietnam,” and I will then agree to put in the word “general.”

Le Duc Tho: “Political system” is more accurate, and “political future” is very vague.

Dr. Kissinger: But it includes the possibility of a system. I should have paid attention to it earlier.

Le Duc Tho: Usually when there are general elections then they will not elect a future, but they elect a body.

Dr. Kissinger: I think “future” includes “system.”

Le Duc Tho: But in our language if we say “general elections, then it will lead to a political system and not lead to a political future.

Dr. Kissinger: Why is that? Now maybe you give a meaning to “general elections” that I do not give. “General election” means only that it is a nationwide election. It can be for President; it can be for an assembly; it can be a referendum between the two parties; it can be either one of those three or anything else the two parties can think of. It can lead to a change of system; it can lead to a confirmation of the system; it can lead to an adaptation of the system.

Le Duc Tho: I agree to “future.” Many concessions.

Dr. Kissinger: Anytime that the Minister gives advice I know I have just made a mistake and will regret it. I haven’t told Ambassador Porter yet that you won’t be there tomorrow. I don’t want to upset him all day.

All right. “And the procedures and modalities of these elections.”

Le Duc Tho: What about the local elections? Even under the Thieu regime they have local elections.

Dr. Kissinger: Let me try something for a minute. [Confers with staff] Let me try this sentence, Mr. Special Adviser. You see we operate here by consultation and on the principle of unanimity, but if there are difficulties we settle them by democratic centralism!

Le Duc Tho: You use very much the words “consultation and unanimity,” so when in diplomatic negotiations you frequently use the word “consultation and unanimity.”

Dr. Kissinger: “The National Council will also decide the procedures and modalities of such local elections as the two South Vietnamese parties may agree upon.”

Le Duc Tho: We agree.

Dr. Kissinger: All right, I accept the Special Adviser’s acceptance of my proposal. [Laughter] All right. Our (h), your (g).

Le Duc Tho: (h) “The two South Vietnamese parties will agree on the question of reducing their respective effectives, or military effec-

tives, and demobilize the number of the troops reduced from these effectives.” [Reads again] And demobilize the troops, the reduced troops. “The two South Vietnamese parties will agree on the question of the reduction of their respective military strength and on the demobilization of the reduced troops.

Dr. Kissinger: Let me . . . I told the Special Adviser that in the Soviet Union I would always turn my papers over because I was told there was a camera in the ceiling.

Le Duc Tho: [pointing upward.] We have many cameras overhead.

Dr. Kissinger: I have noticed that whenever I say something the Special Adviser doesn’t like, one of these lights blink.

Let me ask the Special Adviser whether my understanding of some of his earlier remarks was correct. I understand that the Special Adviser offered this sentence yesterday in order to solve the problem of various types of forces in the South and to permit a possibility of reductions being made on the principle of equality.

Le Duc Tho: We raised this question about how the Vietnamese armed forces in South Vietnam . . . They will reduce their effectives and they will demobilize those reduced troops in agreement by the South Vietnamese parties; and how to carry out this principle they will discuss later.

Dr. Kissinger: Let me propose this sentence: “Among the questions to be discussed by the two South Vietnamese parties are steps to reduce the military numbers on both sides and to demobilize the troops being reduced.”

Le Duc Tho: All right.

Dr. Kissinger: Good.

Le Duc Tho: We have completed this article.

Dr. Kissinger: And “with a view to lessening the contributions of the people” is not really necessary since we are talking about reductions in the next sentence. I propose to end with: “In accordance with the postwar situation,” and then add the sentence.

Le Duc Tho: All right.

Dr. Kissinger: Could we take just a very brief break. I want to consult with my colleagues to see where we stand now.

Le Duc Tho: Consultation and unanimity and democratic centralism. [Laughter]

Dr. Kissinger: Did you invite me to speak at the Leninist Institute in Hanoi?

[There was a brief break from 6:35–6:47 p.m.]

Dr. Kissinger: I think we are making good progress. We will definitely finish it tonight.

Le Duc Tho: There is another question I would like you to pay attention to. It is the question of the prisoners. It is a sentimental question. All other questions we can find out some way or other to settle in a satisfactory manner, but the question of prisoners is the major one. You understand the American people's feeling toward their prisoners, but our feeling is much stronger. The present regime of our prisoners in South Vietnam is very harsh. When we release American prisoners you will know how we treat them. You will see the ration we give to the Americans. The ration is higher than our average personnel. This is a fact.

Dr. Kissinger: We can certainly undertake to improve the conditions of your prisoners in the South pending their release. That we can promise you and that we must do. You are entitled to your feelings of sentiment as much as we are, and we are willing to put into the agreement also a very strong statement that "the question of prisoners in South Vietnam shall be settled by the South Vietnamese parties in a spirit of national reconciliation and concord, with a view to end hatred and enmity, in order to relieve suffering and to reunite families."

We are making a very solemn engagement to you that we will take maximum efforts to secure the release of the largest number. But when General Haig and I review what our problem is, to meet this schedule, we have a number in Washington, but the most difficult will be in Saigon next week. This is an objective fact, and I understand the anguish you feel on this issue. We are not being frivolous about it and we are not trying to press you on it.

Le Duc Tho: But you wanted to have the statement you made meaningful.

Dr. Kissinger: The statement I have made can be put into the agreement under paragraph 8(c). In addition to this, we can give you a solemn private assurance.

Le Duc Tho: It is a show of good will on your part. We shall have something showing good will towards you.

Dr. Kissinger: Thank you. Let me read you what will be recorded in the agreement: "(c) The question of other Vietnamese civilian personnel detained in South Vietnam and not covered by 8(a) above will be resolved by the South Vietnamese parties in a spirit of national reconciliation and concord, with a view to ending hatred and enmity, in order to ease suffering and to reunite families."

But we will listen to amendments that you might wish to make.

Le Duc Tho: We shall propose an amendment. Now let us go to V.

Dr. Kissinger: Chapter V?

Le Duc Tho: We would like to maintain the stipulation of the Geneva Agreements that "South Vietnam shall not recognize the protection of any country, any military alliance or bloc."

Dr. Kissinger: But what does that mean?

Le Duc Tho: It is in keeping with the stipulations of the Geneva Agreements, that in order to maintain the independence and the neutrality then South Vietnam should not join any military alliance or bloc and should not recognize the protection of any country. For both sides.

Dr. Kissinger: But let me ask a hypothetical question. Supposing Japan attacks North Vietnam and the Warsaw Pact wants to defend you. May it do so?

Le Duc Tho: We do not belong to any military alliance or bloc.

Dr. Kissinger: No, I have no trouble accepting that. They shall not join any military alliance or military bloc. That is accepted. I do not know what "accept the protection" means.

Le Duc Tho: Naturally the SEATO bloc wants to protect one country or another, but we don't want such protection. But if you disagree to "recognize the protection," we can take it out.

Dr. Kissinger: We take it out. We will say "shall not join."

Le Duc Tho: As you have put it in your draft.

Dr. Kissinger: That is acceptable.

Le Duc Tho: All right.

Dr. Kissinger: All right. Fine. And the rest of our draft is acceptable? It is the same as yours, but in better English.

All right. Now comes my favorite chapter. [Laughter] How many people would you have figuring out all these control arrangements? You must have had three different groups working it out and you accepted all of their recommendations!

Xuan Thuy: Yes, after consultation and unanimous approval. [Laughter]

Le Duc Tho: In your Article 11(b) you have a sentence "Disagreements shall be referred to the International Commission of Control and Supervision." We have: "The four-party Joint Commission may request the assistance and cooperation of the International Joint Commission when necessary."

Dr. Kissinger: What does it mean? Does it request it by unanimity?

Le Duc Tho: It is a principle.

Dr. Kissinger: But Mr. Special Adviser, if they have already disagreed, how can they do that? [Prolonged laughter on both sides.]

Le Duc Tho: That is . . . For the reason as you have mentioned, I propose to delete it! [Laughter]

The same thing is for Article 12, the four-party Joint Commission. I think that the most practical way is that when it is unanimous agreement they may request the assistance and cooperation of the International Commission.

Dr. Kissinger: But then they don't need it! [Laughter] Let me see whether we can delete it. The key question really is whether the International Commission can operate without in each instance going to the four countries, because if in each instance it has to go to the four countries, it will be totally meaningless. If it can operate autonomously but report to the four countries, that is different.

I must say this. This is something which I will tell you personally. I do not believe it has great practical significance but in America it has tremendous symbolic significance.

Le Duc Tho: But you mentioned about this unanimous action operation by the Joint Commission or the International Commission?

Dr. Kissinger: The International Commission.

Le Duc Tho: Now we are talking about the four-party and the two-party Joint Commissions. You propose "Disagreements in the four-party Joint Commission shall be referred to the International Commission."

Dr. Kissinger: Yes, that is what we would like.

Le Duc Tho: We think that we should not put this sentence, and we should propose that the "two-party Joint Commission as well as the four-party Joint Commission may request the assistance and cooperation of the International Commission." Because the four-party Joint Commission and the two-party Joint Commission will settle problems existing between the four parties and can operate by themselves.

Dr. Kissinger: But what does the International Commission do?

Le Duc Tho: We shall deal with the International Commission afterwards.

Dr. Kissinger: Yes, I understand but conceptually?

Le Duc Tho: We have talked about and described the task and authority of the International Commission in Article 13.

Dr. Kissinger: Yes, but what I don't understand is how can it exercise these functions?

Le Duc Tho: Yes, they will operate through its teams.

Dr. Kissinger: Yes, I know, but can it operate autonomously?

Le Duc Tho: It's autonomous but it should be responsible to the four parties.

Dr. Kissinger: But could the Special Adviser explain to me what it means, "responsible to the four parties"?

Le Duc Tho: It will be responsible to the four parties for the control and supervision of the implementation of the provisions of the agreement.

Dr. Kissinger: Now supposing after the ceasefire in Laos . . .

Le Duc Tho: And if any question arises it may send its report to the four-parties Joint Commission.

Dr. Kissinger: My question is, if after the ceasefire in Laos, somebody says there is a North Vietnamese armored division coming down the Ho Chi Minh Trail and you say, "No, it is a herd of elephants," can this Commission then send its own team in there, or does it have to wait for permission?

Le Duc Tho: Here the Commission operates in a sovereign country, therefore it should operate in accordance with the principle of respect for this sovereignty. Therefore, it should inform wherever it goes it has to inform the Joint Commission.

Dr. Kissinger: And they have to approve unanimously?

Le Duc Tho: It should be so.

Dr. Kissinger: Let me tell you my personal opinion, Mr. Special Adviser. I personally do not believe that any international supervision is going to prevent you, as I told you yesterday, from doing what you want to do in moving supplies and men. Our real guarantees for that will have to be found in other ways. On the other hand, we cannot make plausible in America that after all the history of distrust that has existed, an agreement which has a supervisory mechanism in which the parties to be supervised have to agree unanimously before the international body can do what it can do, and then agree unanimously as to the report. That is not a serious enterprise. That will be taken as a joke. In your scheme, when the parties agree then international supervision is unnecessary. When they don't agree, it is impossible.

Le Duc Tho: Since now you are talking about the International Commission, then let us talk about the International Commission and then return to the Joint Commission.

Dr. Kissinger: All right. I don't mind having the principle of unanimity on the Joint Commission.

Le Duc Tho: Regarding the International Commission, let me first raise the principle according to which the International Commission will carry out the task of international control and supervision without interfering in the internal affairs of Vietnam. Therefore, when it operates in Vietnam it should obtain the concurrence of the local administration. It can't do whatever it likes.

Now your question is to whom this International Commission will be responsible. We feel that when there is an International Conference of Guarantee then they will decide this question.

Dr. Kissinger: I agree with that.

Le Duc Tho: But the International Commission should be responsible to the four parties and maintain relations to the four parties from now to the convening of the International Conference.

Dr. Kissinger: I agree.

Le Duc Tho: But we will decide afterwards.

Dr. Kissinger: That is agreeable to us.

Le Duc Tho: Regarding the control tasks of the International Commission, here is Article 9(g) regarding the control of the Vietnamese armed forces in South Vietnam.

Dr. Kissinger: That is 9(h). Yes, I know, the question of the armed forces. We will get the right number in there.

Le Duc Tho: 9(h). If you put control and supervision of the Vietnamese armed forces in the South of Vietnam, it is too extensive a task.

Dr. Kissinger: How would you phrase it?

Le Duc Tho: We would propose "The Vietnamese armed forces in South Vietnam when there is a conflict happening."

Dr. Kissinger: Well, but that is ceasefire. That is Articles 2 and 3 which they already have. The question of the Vietnamese armed forces—this refers to Article 9(h).

Le Duc Tho: The International Commission should do its task of control of supervision regarding the provision of ceasefire.

Dr. Kissinger: That is number 2 and 3. That is in Article 13(b) and we agree to that.

Le Duc Tho: So you agree to our Article 13(b), all this paragraph 13(b)?

Dr. Kissinger: What we did is split those parts that concern the South Vietnamese parties alone, namely, the Vietnamese armed forces and the elections, and put those under the two-party Commission, and we made the International Control Commission responsible to the two-party Joint Commission, so put the rest into Article 13. That is the logical arrangement you followed earlier.

Le Duc Tho: I feel that in this way it is all right.

Dr. Kissinger: That is all we did. It is in our document, Mr. Special Adviser.

Le Duc Tho: But where it says "regarding the Article 9(h)," we would like to say "regarding the Vietnamese armed forces in South Vietnam when there is a conflict happening." Because if the Commission controlled the armed forces in South Vietnam, then it would interfere in the internal affairs of South Vietnam. And if it does this work, then it is of course too extensive. It will have to know the strength of the armed forces, the logistics of the armed forces, etc. We propose to put concretely what they can put in control.

Dr. Kissinger: "When there is conflict," what do you mean? If you want it to mean disagreement, that is fine.

Le Duc Tho: For instance, fighting, shooting.

Dr. Kissinger: But that is covered by Article 2, ceasefire.

Le Duc Tho: Regarding the ceasefire we visualize that the Commission will control and supervise, the locations, the operations and not

the conflict. Because if we put the control of the Vietnamese armed forces in South Vietnam, it includes so many aspects; strength of the armaments, locations.

Dr. Kissinger: I understand the Special Adviser's point. But let me ask him this: How can they evaluate the replacement question if they cannot look at the logistics?

Interpreter: It has such a responsibility for armed replacements.

Le Duc Tho: Yes, we have added control of Article 7 regarding the prohibition of introducing troops, military personnel, armaments, munitions and also control the replacement of armaments, munitions and war matériels.

Dr. Kissinger: I agree. We have added it too. You accepted our change? Oh, I thought we had independently come to the conclusion.

Le Duc Tho: So if they control, they will come to know this aspect. In Article 7 if you put control of the Vietnamese armed forces in South Vietnam it would be too extensive.

Dr. Kissinger: May I make this suggestion: "Regarding any agreements that may be reached under the provision of Article 9(h)." So then if there are no agreements under Article 9(h) the Commission has no functions. What I want to say is "Article 9(h) regarding any agreements reached under its provision." I understand that the way it's phrased here is too general, and therefore I say only if it is an agreement under paragraph 9(h). If they agree, for example, to demobilize forces, the Control Commission can check into that. If they don't agree then the Commission cannot autonomously look into the Vietnamese armed forces. It is a bad way of phrasing it.

Le Duc Tho: We continue to feel that if the Control Commission did this question it would interfere in the internal affairs of the parties, because this question is done in common agreement by the two parties.

Dr. Kissinger: So are the elections; so is everything else.

Le Duc Tho: But the control of the general elections or election are different from the control of the armed forces. There is no country who lets its armed forces be controlled by foreign powers.

Dr. Kissinger: I agree with the Special Adviser that the formulation we have should be dropped. It is when it is an agreement to demobilize or to dispose of forces that it comes under this provision, and therefore I want to say: "Article 9(h) with respect to agreements reached under this provision," not in general.

Le Duc Tho: But it only controls the agreement regarding the demobilization and reduction of military numbers?

Dr. Kissinger: Yes, this is what is involved under 9(h).

Le Duc Tho: We shall think it over. Let me shift to another item. Now about the number of the International Commission members. We

maintain four countries. We now drop Cuba. We propose Poland and Hungary. We agree to Indonesia. We disagree to Japan. Please propose another.

Dr. Kissinger: We propose Canada.

Le Duc Tho: All right—four countries only. If you agree to four countries then we agree to the principle of majority. [Laughter] Mutual concession! You want five, I, four. I want unanimity, you want majority. I agree to majority so you should agree to four countries. It is logic.

Dr. Kissinger: Logic but no sense!

Le Duc Tho: So, but our conception differs.

Dr. Kissinger: I frankly have no authority to agree to four, because on this there are very fanatical opinions in the United States. Some of the legal experts are more fanatical on this chapter than on all the substantive chapters. They will be already objecting to Poland and Hungary, but I will not object to your nominations.

Le Duc Tho: It is fair that we choose two countries from our side and you choose two countries from your side.

Dr. Kissinger: No, the objection will be different. I think these are, but are they willing to send people into Vietnam for supervision purposes?

Le Duc Tho: They are prepared.

Dr. Kissinger: We have not yet approached these other two countries. I cannot. That is something that will have to wait until I get back to Washington. I would have thought that our proposal of the countries . . . What country could these four agree to that would do any damage to you? I must tell you in Laos you have a Commission that operates by majority; in Vietnam they have a Commission that operates by unanimity. I frankly see no practical difference in their effectiveness.

Xuan Thuy: Both commissions cannot operate when either party is not honest in implementing the agreement.

Dr. Kissinger: I agree. This is not a great substantive point with us, which is why I have so little authority. It is a symbolic point. We have no set theory. I tell you, Mr. Special Adviser, that if you were to agree on our formula with the five-member commission operating by majority, it would do more to get acceptability for this agreement in our government, especially in our State Department, than any of the other provisions which are much more important. Maybe you and I can agree on a fifth member.

Le Duc Tho: You say your government prefers a five-member commission, but really my government, most of the members of my government, prefer a four-member commission. It is our difficulty. Now there are two formulas; you can choose either of them.

Dr. Kissinger: What are the two formulas?

Le Duc Tho: A four-member commission and principle of majority decision, or a five member commission with consultation and unanimous decision. It is a mutual concession. You said the other day that a four-member commission is a positive proposal, so we agreed to majority in this case. If we agree to your proposal of a five-member commission, then you should agree to unanimity.

Dr. Kissinger: The positive aspect of the five-country proposal was the elimination of India, not the five countries! I have a real problem because this is the one area in which I have no strong conviction, and others have an enormously strong conviction, and in which the practical difference is very small. What we could do is, if we accept majority for five, is that you and I agree on the fifth member rather than have the four countries agree.

Le Duc Tho: We don't agree to five-member commission and majority decision. It is four-member countries and majority, but there is discussion and it is a majority decision.

Dr. Kissinger: But not when you have two from each side.

Le Duc Tho: So it is our point of view. Now let us return to the task of the Commission. I agree to your Article 9(h).

Dr. Kissinger: Oh, to the rephrasing of 9(h)?

Le Duc Tho: Now let me express our ideas and then we shall rephrase the idea.

Dr. Kissinger: All right.

Le Duc Tho: "Control regarding the agreements reached by the two South Vietnamese parties on the reduction of military effectives of the Vietnamese armed forces in South Vietnam and the demobilization of troops mentioned in Article 9(h)." So I have responded to your proposal.

Dr. Kissinger: That is agreeable.

Le Duc Tho: It is very explicit.

Dr. Kissinger: No, I agree. We may put it into better English if you don't mind that.

Le Duc Tho: Now, regarding the tasks of the International Commission, let me add another sentence regarding the question of International Commission being responsible to the four parties. As to the relationship between the International Commission and international conference of guarantee, it will be discussed later.

Dr. Kissinger: All right.

Le Duc Tho: So this chapter, the only point left is the member and the composition.

Dr. Kissinger: And how it operates. It is an unbelievably emotional point with some members of our bureaucracy who will have to defend this agreement.

Le Duc Tho: As to the International Commission's formation of teams, you said that the International Commission "has the right to form" international control teams for carrying out its tasks. We propose that the International Commission of Control "shall form" international control teams for carrying out its tasks.

Dr. Kissinger: Good, that is better.

Le Duc Tho: "With the concurrence of the South Vietnamese parties." Otherwise the International Commission may locate its teams whenever it likes, violating the sovereignty of the country. So we add "the concurrence of the South Vietnamese parties."

Dr. Kissinger: How does the Commission operate in South Vietnam today? Can we make two sentences out of it? Can we say—I accept your proposal "shall form an international commission and control teams" rather than "shall have the right to"—and can we say then "they should operate on the basis of respect for the sovereignty of host country"? And "the parties will facilitate its operation." We will have to rephrase it.

Le Duc Tho: I think it's all right if you say that on the principle of respect for the sovereignty.

Dr. Kissinger: Let us say "the control teams shall operate with the concurrence of the parties." All right let us say, "The control teams will operate with the concurrence of the parties," and then "the parties will facilitate its operation."

Le Duc Tho: All right.

Dr. Kissinger: Now when you say concurrence, do you mean the concurrence of the four parties or of the two parties?

Le Duc Tho: When the question concerns the four parties, then with the concurrence of the four parties, but when the question concerns the two parties, then with the concurrence of the two parties.

Dr. Kissinger: In our text we have split the questions between those that concern the four parties and those that concern the two parties. You do also. So we add a sentence in both sections, the end of 13(b) and 13(c). "The International Control Commission will operate with the concurrence of the parties. The parties will facilitate the operation." All right. Good. What is now says is "International Commission of Control and Supervision shall form international control teams; they shall carry out these tasks; the control teams will operate with the concurrence of the parties. The parties will facilitate their operation." That is at the end of 13(b) and at the end of 13(c). All right? Good.

Xuan Thuy: So you have deleted the sentence "The Commission will operate on the basis of respect for the sovereignty . . ."

Dr. Kissinger: No, that is under 13(e). It is in a separate paragraph. If we agree to Cuba for the five member commission, will you accept the majority principle? [Laughter] It's a joke. All right, so we are finished with 13 except for the composition.

Xuan Thuy: About the majority?

Dr. Kissinger: I really have to go back to Washington and let you know.

Le Duc Tho: Have you anything else to say about Article 13?

Dr. Kissinger: No, my understanding is that you will accept under 13(b) "until the international guarantee conference makes definitive arrangements." You accept our formulation? It is from our text. I thought the Special Adviser said that you agreed that the guarantee conference should make definitive arrangements. We will accept another phraseology.

Le Duc Tho: The International Commission is responsible to the four parties, but as to the question of relation to the international guarantee conference and the International Commission that we will discuss later.

Dr. Kissinger: But how do you want to phrase it in the agreement? We say "until the international guarantee conference makes definitive arrangements, the International Commission will be responsible to the four parties.

Le Duc Tho: But from the very beginning the International Commission must be responsible to the four parties. As to the relationship between the International Commission and the international guarantee conference, we will decide it later.

Dr. Kissinger: Yes, but that is what my sentence says.

Le Duc Tho: What you mean by adding the sentence "until the international guarantee conference makes a definitive arrangement?"

Dr. Kissinger: The international guarantee conference will establish the responsibilities of the Control Commission but until then it is responsible to the four countries. It is just that the international conference will make the final decision.

Le Duc Tho: I think that we should put here that the International Commission and Supervision shall be responsible to the four parties. As to the relationship between the International Commission and the international guarantee conference, that we shall discuss later. What is your view about the sentence that the differences in the four-party conference should be referred to the Joint Commission? We have expressed our view.

Dr. Kissinger: If we can form a more autonomous role for the International Commission, I am willing to drop that sentence. But we will be in an impossible position to defend this agreement in America

if we cannot show some autonomous international supervision, even though your own experience teaches you that it is meaningless. For example, the release of our prisoners of war will come under this category. And, in fact the very people who would normally defend this agreement will turn against it if we do not have it.

Le Duc Tho: We shall think over it. But Article 11, we would like to add that the four-party Joint Commission shall end its activities after the completion of the troop withdrawal and the release of captured people, because the four-party Joint Commission will carry out this task until that moment only. Because after the troop withdrawal and the release of prisoners, then the four-party Joint Commission will have no more task. Only two-party Joint Commission.

Dr. Kissinger: But then where are we with respect to Article 7? With respect to Article 2, the ceasefire? And Articles 5 and 6? Where does this leave us with respect to them?

Le Duc Tho: Regarding the ceasefire, after the withdrawal of United States forces, then the ceasefire will apply only to the two South Vietnamese parties. Therefore, it is the two-party Joint Commission in charge of that question. Regarding Article 7, the two South Vietnamese parties should refrain from accepting outside reinforcement in troops or matériel, weapons, etc.; it is the International Commission of Control and Supervision and the two-party Joint Commission in charge of that.

Dr. Kissinger: Then we should list the appropriate paragraphs also under the two-party Joint Commission.

Le Duc Tho: We shall split it. We shall rearrange it to make it clearer.

Dr. Kissinger: Oh, I understand the point now, the difference you make between the two-party Joint Commission and the four-party Joint Commission. We have no objection to dissolving the four-party Joint Commission when its tasks have been fulfilled, but then there should be a list of its appropriate paragraphs like 7. What this means is that 2, 3 and 7 are now under the . . .

Le Duc Tho: Let us shift to another subject.

Dr. Kissinger: Well, what have we decided? I assure you, insane as it may appear to you, this chapter will receive more scrutiny than almost any other chapter in the document.

Le Duc Tho: If you agree to a four-member International Commission, with the principle of majority, then we can agree to the reference of disagreement of the two-party Joint Commission and the four-party Joint Commission; then the two-party Joint Commission and the four-party commission, if they meet with some disagreement they may refer their disagreement to the International Commission.

Dr. Kissinger: Mr. Special Adviser, that will help enormously. I will recommend this. I tell you honestly, in areas to which I give little

attention, I feel free to go ahead without referring it to Washington. I frankly never pay any attention to these matters because I don't believe they ever work, therefore I do not want to make a final decision but I will let you know by tomorrow evening, and I will recommend it. But I am not absolutely sure they will accept it. You have dealt with our people on control matters, Mr. Minister, you know how it is. It is a religious point.

Le Duc Tho: Let us shift to another subject.

Dr. Kissinger: Let me just sum up. I have the following concern now, Mr. Special Adviser, I don't know what I am going to do about a definitive text in Washington tomorrow. You know I am beginning to think that the best arrangement would be that we do our best to finish tonight. That I then go back to Washington, Mr. Lord stays here, and then I come over again so that you and I can go over an agreed text even if our schedule gets delayed by a couple of days. Because I think it's too dangerous.

Le Duc Tho: What is your schedule then? Because if you go to Hanoi I intend to leave here tomorrow or the day after tomorrow, because it will take me four or five days to go there.

Dr. Kissinger: Complaining in each friendly capital about his interlocutor. Well, then I would have to delay my going to Hanoi by a couple of days. But I think when we are ending the war that has lasted ten years we should not operate on such a slipshod basis. I am not at all sure that in every case we have agreed on a text. That way I can't talk to the President. I can't get a clear answer from him. I could come back here and then go from here to Saigon. I would not have to return to America. It would delay everything maybe two days. I think it would be worthwhile. What we have agreed to here we will stick to, but I think it would be very dangerous for Mr. Lord and your expert to work tomorrow and have that then be the absolutely final text. We should finish tonight anyway. We should finish every important point tonight. I would like to have the possibility, simply for bureaucratic reasons, as the Special Adviser knows, to change a word here and there. Because I frankly, we have worked from two different drafts; you from yours and we from ours. What do you think?

Le Duc Tho: We shall make an effort to finish discussion today. It is the best thing.

Dr. Kissinger: That's essential anyway.

Le Duc Tho: And then your two experts and our two experts will arrange the text. What is important is that the essential agreement we have reached here should not be changed.

Dr. Kissinger: Yes, I agree with this. The only thing I have to say is this section here on international guarantees I am going to find more

legal experts with comments—although what you have just agreed to will help greatly—that these agreements should be referred to the International Commission.

Le Duc Tho: And what we would like to repeat is that the agreement we have reached here should not be changed.

Dr. Kissinger: No, except if there is some violent objections by lawyers to the international control part. On all other sections we can stay with it.

Le Duc Tho: But we have agreed on many things regarding the International Commission.

Dr. Kissinger: Yes, but for example, the majority vote of four—I really have to check this, but your concession has made it easier—of referring disagreements.

Le Duc Tho: As to the schedule of your trip to Hanoi, I think that you should make an effort to meet the schedule we have agreed to because I, myself and you are leaving together. I have the rest of my program of work. I have arranged it.

Dr. Kissinger: Well, I propose this: Let us finish our work here. I must have three days in Saigon. There is no possibility of finishing in Saigon in less than three days. So everything depends when I can leave Washington and when I can leave Washington depends on whether I have a truly agreed text, not just in principle but in every word.

Le Duc Tho: But I should recall here that I have set my program according to the schedule we have agreed to. And moreover your trip to Hanoi we have arranged it. We have arrangements to make for the visit, and therefore you should make an effort to meet the schedule we have agreed to. So what is your view on that trip?

Let us finish our discussion and then we shall discuss the schedule. Once the schedule is discussed, we should meet it because on it will depend my program, your trip to Hanoi, the program of our leaders and the arrangements of our trip to Hanoi.

Dr. Kissinger: I agree completely.

Le Duc Tho: Because otherwise it will do hindrances to my program.

Dr. Kissinger: No, we will settle it tonight, unless the President fires me when he sees this agreement. [Laughter]

Le Duc Tho: Now the question of Laos and Cambodia.

Dr. Kissinger: All right, Laos and Cambodia.

Le Duc Tho: Have you anything to add to this?

Dr. Kissinger: Incidentally, I don't do this for pressure but the thing that makes me most concerned about the international control is the four-power Commission and the majority vote. I don't say this for

pressure because I would rather use my prestige for other issues. I am giving you a fact.

Le Duc Tho: If you agree, you can let us know tomorrow through Colonel Guay.

Dr. Kissinger: Tomorrow, Friday morning.

Now with regard to Cambodia and Laos. As you know, we have rewritten Chapter VII by just grouping some of the points. It has no new language but it groups the elements. It is a reorganization.

Le Duc Tho: The formulation we propose is more compact and more accurate.

Dr. Kissinger: At the end of your Article 15(a), you have a statement that “the four parties undertake to refrain from using the territory of Cambodia and the territory of Laos to encroach on the sovereignty and security of other countries.” I just moved that to the beginning of paragraph 15(b). 15(a) has general principles and 15(b) has specific obligations, and everything else we left completely unchanged. We did not introduce any new elements. It is just a reorganization.

Le Duc Tho: So this deletes your previous proposal.

Dr. Kissinger: Yes, this is our present version.

Le Duc Tho: You only rearrange the last sentence of our first paragraph.

Dr. Kissinger: We have taken the last sentence of your first paragraph and put it in (b). We have taken one sentence and made (c) out of it. To be fair, we have added one phrase where it says it is possible to get replacements of armaments, equal in quantity. We took the same after the supplies are cut off. [They confer.]

While you are consulting, why don't I go out with General Haig for a minute. We have the danger of Bonapartism and I want to make sure what's happening. [Laughter]

[The meeting broke at 8:57, dinner was served, and the meeting reconvened at 9:58 p.m.]

Dr. Kissinger: Mr. Special Adviser, you are even stronger than your Soviet associates. They kept me up more than 12 hours; you are keeping me up longer than that. When we made the agreement on strategic arms, I was with Mr. Gromyko until 4:00 in the morning, and we decided we couldn't agree and so I went to bed. At 10:00 he called and said let's try again and by 10:45 we had it all settled. But then we had to draft it. We had expert help then. That is more than I can say for this.

Le Duc Tho: Regarding the chapter on Cambodia and Laos. I have an idea quite different from yours.

Dr. Kissinger: I have lost my papers. This has been the secret dream of everybody. I have no ideas.

Le Duc Tho: Regarding the sentence that the parties in Laos and Cambodia should be able to make their replacements of armaments, I think that here we cannot decide a question involving our infringing on the sovereignty or the internal affairs of Laos and Cambodia.

Dr. Kissinger: I agree.

Le Duc Tho: On the other questions, we have an undertaking; only this question comes under the internal affairs of Laos and Cambodia. So all questions on this chapter have been settled.

Dr. Kissinger: You are accepting our text? You are accepting the text I just gave you?

Le Duc Tho: Rearrangement made by you. Shall I read the proposal that we make? "Article 15(a): The Democratic Republic of Vietnam, the Provisional Revolutionary Government of South Vietnam, the Government of the U.S.A. and the Government of the Republic of Vietnam shall strictly respect the Cambodia and Laotian people's national rights as recognized by the 1954 Geneva Agreements on Indochina and the 1962 Geneva Agreements on Laos; that is the sovereignty, unity and territorial integrity of these countries, shall respect the neutrality of Cambodia and Laos.

"(b) Foreign countries shall put an end to all military activities in Laos and Cambodia, totally withdraw from and refrain from reintroducing into these countries military personnel, armaments, munitions and war matériels, . . .

"(c) The problems issuing between the three Indochinese countries shall be settled by the three Indochinese countries on the basis of respect and as to its independence and territorial integrity and non-interference in each other's affairs."

Dr. Kissinger: So you have dropped out (c) of my text? That is fine.

Mr. Phuong: (c): The internal affairs of Laos and Cambodia shall be . . ."

Dr. Kissinger: Oh, you left it in? All right. Now may I comment, Mr. Special Adviser? Of course, we are still waiting for a written unilateral statement in addition. But let me make a comment on this. 15(a) is fine; 15(c) is fine; 15(d) is fine.

Now with respect to the undertaking, you had a sentence we put at the beginning of our 15(b), where it said "The Government of the United States of America and so forth undertake to refrain from using the territory of Laos and Cambodia." That was taken exactly from your previous paragraph where you said the four governments make the undertaking.

Le Duc Tho: Because when we put "foreign countries" here we have in mind not only the four countries but other foreign countries too.

Dr. Kissinger: Like China?

Le Duc Tho: Like Thailand. So if you mention four specific governments it is not complete. We put it in the first paragraph. It is more accurate, more correct.

So the four parties, the four governments, undertake to respect the independence, sovereignty, unity and territorial integrity and shall respect . . . and these four governments undertake to refrain . . ." So it is more logic.

(b), then "all foreign countries shall put an end to all military activities in Laos and Cambodia," and so forth.

(c), then dealing with the internal affairs of Cambodia.

Dr. Kissinger: I have no problem with (c) and (d). My problem is with (b), the beginning and with the end. Why can we not say "these four governments undertake to refrain from using the territory of Cambodia and the territory of Laos to encroach on the sovereignty and security of other countries?"

Le Duc Tho: That means the four governments should undertake to refrain.

Dr. Kissinger: They shall respect the neutrality of Laos and Cambodia. They undertake to refrain from using the territory. I will read that whole paragraph to you so that we are sure we both know. What we are doing, Mr. Interpreter, is simply to add the sentence "They undertake to refrain from using the territory of Cambodia and the territory of Laos to encroach on the sovereignty and security of other countries" at the end of 15(a). That is where it was to begin with. At the end of 15(a) we are making it a new sentence.

Le Duc Tho: So you feel that the subject of the verb "undertake" is too far from the verb.

Dr. Kissinger: It's too far. Our minds are not as sharp as those of yours! The expression is too much for me. In fact it would be best if we said "the four parties."

Le Duc Tho: All right. "The four parties" is not clear, better you put "they."

Dr. Kissinger: All right, "they." Then we have to go back. Then "foreign countries shall put an end to all military activities in Laos."

Le Duc Tho: If you want to repeat the name of the four governments it is all right.

Dr. Kissinger: All right. Let us repeat the name of the four governments.

Le Duc Tho: The above-mentioned four governments.

Dr. Kissinger: Where? At the beginning of 15(b)?

Mr. Phuon: No, at the beginning of "undertake to refrain from using the territory."

Dr. Kissinger: Now I understand your point about 15(b). But it is not an obligation if you make a general statement saying, “foreign countries shall put an end.” It is not an international obligation. That is a general expression of desire. Why can’t we list the four governments and say “together with other foreign countries”? Then you don’t have to mention them in the previous sentence.

Le Duc Tho: You have agreed to that and now we stick to it. If you ask for a change, then I shall make a long statement and it will take . . .

Dr. Kissinger: What have I agreed to?

Le Duc Tho: You have agreed to follow 15(b).

Dr. Kissinger: No, what I would like to say is, I would like to list the governments and add “together with other foreign countries, shall put an end to all military activities in Laos and Cambodia.”

Le Duc Tho: I have told you that I shall give you a statement.

Dr. Kissinger: All right. Let us leave that for a minute, because it may be covered in your statement. But I have one more concern. I temporarily agree to the phrase “other foreign countries.” I have to say, however, this, I can understand why you do not want to say what the powers in Laos and Cambodia should be able to do, but here we are talking about what foreign countries are permitted to do. I think we must insist they are permitted to replace armaments and war matériel on a one-to-one basis. And you can say “as requested by the governments concerned.”

Le Duc Tho: We can’t speak on their behalf.

Dr. Kissinger: We are not asking you.

Le Duc Tho: Encroaching on their sovereignty, and previously you have agreed to delete this sentence.

Dr. Kissinger: No, I agree to delete the sentence that “Laos and Cambodia should be permitted to . . .,” and you agreed this is a question of their sovereignty. We are not saying what Laos and Cambodia shall be permitted to do. We agree that troops, military advisers and military personnel must be withdrawn, but the question is whether a foreign country has the right if it is requested by the government to replace its equipment on a one-to-one basis. That is to say they cannot increase their total number.

Le Duc Tho: You complicate things. I have explained to you lengthily our views on this question.

Dr. Kissinger: Yes, but now I am talking about ourselves.

Le Duc Tho: I have told you that the question of Laos and Cambodia is a question of principle for us. We can’t speak on their behalf, but in connection with Laos and Cambodia I have told you that I shall give you a unilateral statement and it is sufficient.

Dr. Kissinger: But I am not asking you to speak on their behalf. We are here speaking on our behalf.

Le Duc Tho: I think that this sentence should not be put here because it complicates the problem, and not only complicates what we have to do here but complicates the situation in this area.

Dr. Kissinger: Why?

Le Duc Tho: Probably you have understood because you are a diplomat traveling a great deal throughout the world. I think that this record, this formulation is quite sufficient, and besides that I will give you a statement.

Dr. Kissinger: Well, let me see what the statement is and let us leave this aside for a minute.

Le Duc Tho: I don't agree. You are saying that you will leave aside this point for the moment.

Dr. Kissinger: What should we do then?

Le Duc Tho: And you know you agree that you put another sentence here. I have told you that I shall give you a statement I have made this morning in writing and I shall give you it.

Dr. Kissinger: But we have two problems. The problem of your activities and of your forces in Laos and Cambodia and of your transit through Laos and Cambodia. We have the second problem of our existing relationship to Laos and Cambodia and while we are willing to restore it substantially this is a different matter from waiting.

First of all, I don't quite understand what this obligation really means, because "foreign countries" is not a specific designation.

Le Duc Tho: What I have explained since this morning is not yet understood by you. If I put "foreign countries" here, this "foreign countries" includes foreign countries, United States, ourselves. All these foreign countries should put an end to all military activities in Laos and Cambodia. Since they have been withdrawn, then how can they infiltrate again? Since this morning I have explained to you on this point and I am afraid that you are unreasonable. I have finished.

Dr. Kissinger: Well, could I hear what your statement is and then I can make a judgment.

Le Duc Tho: I shall give it to you. Have we finished this chapter?

Dr. Kissinger: I must say this is a chapter that I would have to discuss with the President, and I cannot finally decide until I have heard your unilateral statement.

Le Duc Tho: I can say that if you do it this way then we cannot settle the problem, if now you have agreed to this and now you retract and you say you have to consult the President. Here we are negotiating with you on many questions. I have full authority to decide everything with you here. You, too, have full authority to decide everything here.

Dr. Kissinger: The Special Adviser is undoubtedly correct about the degree of authority he possesses. He is not fully correct on the degree of authority I possess. I just have to see what your unilateral statement is before I make a judgment. As it stands, I cannot accept it without some additional assurances from you.

Le Duc Tho: I can't give you any assurance except to let you write a sentence about the replacement of armaments in Laos and Cambodia.

Dr. Kissinger: You cannot or you can?

Mr. Phuong: Cannot.

Dr. Kissinger: But you said you had a unilateral statement on Laos and Cambodia.

Le Duc Tho: I shall give you our unilateral statement, but I will not write down the sentence about the replacement of arms.

Dr. Kissinger: I understand that.

Le Duc Tho: I shall write down what I told you this morning.

Dr. Kissinger: I want to see this in writing before I can make a judgment; before I can accept paragraph (b) without a sentence.

Le Duc Tho: I shall give you the statement but if we pass over this chapter and we shift to another chapter . . .

Dr. Kissinger: I don't understand.

Le Duc Tho: We shall let this chapter and begin discussion on another chapter.

Dr. Kissinger: But where is the statement?

Le Duc Tho: Please give me your statement on the healing of the war wounds.

Dr. Kissinger: We have written it into the agreement.

Le Duc Tho: I have told you that I shall give you it. I will keep my promise.

Dr. Kissinger: I have to say in this form I cannot accept it until I see what the whole package is. Maybe the President may want to accept it, but I have to discuss it with him. This is a matter of enormous national policy for him.

Le Duc Tho: So I shall give you the statement because we have been negotiating all the time. I have not written the statement yet. I shall give it to you later. If we have finished this chapter, we shall begin discussing another chapter.

Dr. Kissinger: All right, let us discuss another chapter.

Le Duc Tho: Regarding Chapter VIII, we have no big change to make, no comment, but we would like to change only one word. "The Government of the United States of America accepts to contribute to the program of postwar reconstruction and economic development

and of healing the war wounds through the Democratic Republic of Vietnam and throughout Indochina.” [Tho hands Dr. Kissinger the statement.] Do you agree to Chapter VIII? Because this is with the Democratic Republic of Vietnam and the United States, therefore I put the Democratic Republic of Vietnam first.

Dr. Kissinger: One problem we have, Mr. Special Adviser, is that you always seem to work from your text and we always have a different text and I am very worried what will happen tomorrow if our experts get together.

Le Duc Tho: We reverse the order of the names. Because of the chapter dealing with this relationship between the Democratic Republic of Vietnam and the United States of America, therefore I would like to put “the Democratic Republic of Vietnam and throughout Indochina.”

Dr. Kissinger: That I understand, but instead you read your whole article to me so I am sure we are talking about the whole thing.

Le Duc Tho: “The U.S. expects this agreement will usher in an era of reconciliation with the Democratic Republic of Vietnam and with all the peoples of Indochina. In pursuance of its traditional policy, the United States will agree to contribute to healing the wounds of war . . .”

Dr. Kissinger: And you want to add what, “and to postwar reconstruction”?

Mr. Phuong: Yes.

Dr. Kissinger: Read the whole thing to me. The second sentence. The first is all right. Is it the Special Adviser’s proposal? I just want him to read what you propose.

Interpreter: “It is the traditional policy of the United States that the United States will contribute to healing the wounds of war and to postwar reconstruction of the Democratic Republic of Vietnam and throughout Indochina.” This order.

Dr. Kissinger: I accept it.

Le Duc Tho: Now there are a number of problems left. Now I realize that there are four or five problems left. The biggest problem is the return of captured people. I shall address this problem last.

Dr. Kissinger: And we still have the Laos and Cambodia problem to discuss briefly.

Le Duc Tho: We have nothing to discuss about Laos and Cambodia. I have given you my view.

Dr. Kissinger: We can do one of two things. We can either try to do the other points or we can make a break for ten minutes and let me consult with my colleagues to make sure I understand all the implications correctly, and I can give you an answer immediately. What do you prefer?

Le Duc Tho: Let us discuss other questions. We will discuss this question later. There are still four military questions left. Regarding then Article 3, the paragraph on "All hostile acts, terrorism, reprisals by both sides and encroachment on the lives and property of the people shall be prohibited." We accept now deletion of the phrase "to end all encroachment on the lives and property of the people." We accept it. You have requested the deletion.

Dr. Kissinger: Yes, I agree. I appreciate the spirit.

Le Duc Tho: Another point, we put forward this amendment.

Article 3, the paragraph, the preceding paragraph on "all combat and reconnaissance activities on the ground, in the air and on the sea." Now we propose "all military activities on the ground, in the air and on the sea shall be prohibited." So now we delete the word "combat and reconnaissance." We replace them by "military activities."

Dr. Kissinger: As long as you understand that as long as we are in South Vietnam we will engage in flying over South Vietnam. Does that mean that ships cannot go to sea and airplanes can't fly?

Le Duc Tho: On the previous paragraph you have accepted this morning to stop all military activities on the ground, in the air and on the sea.

Dr. Kissinger: I will have tremendous difficulty with even that when I get back to Washington, I assure you, because it means we cannot fly over North Vietnam. But that is quite different because that is something we can do. That we will do. But in this paragraph it means we can't fly over South Vietnam or have ships go that way across to port in South Vietnam; that means no one can fly a plane over South Vietnam and no ships can move in the seas of South Vietnam. If you want to say "combat actions." It is quite different with the Democratic Republic of Vietnam because the territory is geographically separable.

Le Duc Tho: Moreover the war is ended and you have no right to fly over our airspace in the Democratic Republic of Vietnam.

Dr. Kissinger: That is right and that is why I accept it. I accept it with regard to the Democratic Republic of Vietnam. I don't change the view with respect to the Democratic Republic of Vietnam. I maintain the previous paragraph. I don't withdraw this.

Le Duc Tho: Now we can drop the question. Either you can put "all combat activities on the ground, in the air and on the sea are prohibited" or "all acts of force on the ground, in the air and on the sea is prohibited."

Dr. Kissinger: Thank you.

Le Duc Tho: Now, regarding the advisers on pacification. We insist on putting this word because actually there are advisers on pacification.

Dr. Kissinger: Yes, but we are willing to define the pacification to which you object, if we agree with it. To us “pacification” has a different meaning than it does to you. We are, therefore, willing to specify “advisers to paramilitary organizations, police forces” and so forth, but we are not prepared to lump all pacification advisers, which to us has an economic function, in our technical language.

Le Duc Tho: What you call economic advisers are actually military advisers. I didn’t mention about the economic advisers.

Dr. Kissinger: Yes, but if you say advisers on pacification that, to us, is an economic word. I know to you it means something else. This is why I was prepared to specify paramilitary organization, police, and if you want, psychological warfare, but pacification advisers are part of our economic program.

Le Duc Tho: But so far as we know in pacification operations there were American military advisers going with them.

Dr. Kissinger: That is probably true, but all military advisers regardless of their work will be withdrawn.

Le Duc Tho: So I call it military advisers for pacification.

Dr. Kissinger: Well, it is redundant because all military advisers will be withdrawn for everything.

Le Duc Tho: If we say as you say, then there would be no need to mention advisers for paramilitary.

Dr. Kissinger: No, because we are prepared to withdraw even civilian advisers to paramilitary organizations and to the police.

Le Duc Tho: So I leave now aside the economic advisers. I don’t mention about them, but here, since actually you have military advisers or advisers of military pacification. In this agreement I have tried my best to choose every word to make easy for you.

Dr. Kissinger: Read to me exactly what your sentence says.

Mr. Phuong: “From the time of the signing of this agreement, shall completely withdraw from South Vietnam.”

Dr. Kissinger: Oh, we are back to your text. You see the trouble is your English is so bad that we are always rewriting it, thus I have not and we will not have an accurate text.

Mr. Phuong: Reading: “From the date of the signing of this agreement shall be completely withdrawn from South Vietnam all troops, all military personnel of the United States and those of the other foreign countries allied to the United States and to the Republic of Vietnam including military advisers, technical military personnel, advisers for paramilitary organizations,” we add “advisers for pacification work and advisers for the police and all other civilian personnel serving in all military branches, all armaments, munitions, war matériel and radar installation. This withdrawal shall be complete within 60 days.”

Dr. Kissinger: I will accept mentioning pacification, but let me put it into an English that can be understood by Americans. We will then read it to you and see if it sounds the same in Vietnamese. It is no reflection on your excellent interpreter, because he is translating it word for word correctly, and I want to formulate sentences which are more in the English grammar. He is really an outstanding interpreter.

Mr. Phuong: But not as good in English.

Dr. Kissinger: But your Vietnamese is much better than mine! It is a grammatical question, not a substantive question. We have a lot of substantive questions but this is grammatical. Let me read you this sentence: "The total withdrawal from South Vietnam of troops, military advisers and military personnel including technical military personnel and paramilitary advisers associated with pacification programs, armaments and matériel . . ."

Le Duc Tho: You agree also to "civilian personnel serving in military branches of the Government of the Republic of Vietnam"?

Dr. Kissinger: Whom are you thinking of here?

Le Duc Tho: That is logistic and so on. Civilian personnel serving in military branches. This morning you have agreed to that.

Dr. Kissinger: And serving in the military branches of whom? Of the Republic of Vietnam?

Le Duc Tho: American civilian personnel serving in military branches.

Dr. Kissinger: Of who?

Le Duc Tho: Of South Vietnam and of the United States. You have agreed to this this morning.

Dr. Kissinger: Not that I remember.

Le Duc Tho: So you have put it "from the date of the signing of the agreement" long after the beginning of the sentence of the paragraph; "from the date of the signing of the agreement" at the beginning of the paragraph.

Dr. Kissinger: I see what you mean. We will put "within 60 days" early in the sentence. We can say "within 60 days of the signing of this agreement the United States and those foreign countries allied to the United States shall totally withdraw from South Vietnam." And then list all the categories.

Le Duc Tho: Civilian personnel serving in military branches of the Republic of Vietnam. You have no mention of it.

Dr. Kissinger: We just don't know to whom you refer. I don't think there are any civilians serving in the military branches of South Vietnam.

Le Duc Tho: This morning you agreed to this sentence.

Dr. Kissinger: No, I didn't agree to it. I may have asked you what it meant. You know you read something and I just asked what it meant.

Le Duc Tho: I shall give you a more specific indication.

Dr. Kissinger: I just have no knowledge of any American civilians serving with the military branches of South Vietnam. And this gives a very misleading impression to our people.

Le Duc Tho: I shall tell you about this later, but just like you said that there is no American advisers in pacification work.

Dr. Kissinger: No, I said there were advisers in pacification work but I said it has a different meaning, but once I understood what you meant I agreed to a proper terminology for it. It is senseless when we totally withdraw to try to hide a few people in South Vietnam. This will hardly determine the future. But on the other hand, if we make an undertaking we want to know how to keep it. All the other materials I understand and we will withdraw them.

Le Duc Tho: I shall list them. Now regarding the time period for the troop withdrawal, the 60-day period. You said that after 60 days there might be a few remaining . . .

Dr. Kissinger: It won't happen.

Le Duc Tho: I would ask for clarification on that point.

Dr. Kissinger: What I said was—you were willing to agree on 66 days.

Le Duc Tho: But if you want six days more, I am not so . . .

Dr. Kissinger: No, I think it's ridiculous, but it could happen that for some technical reason, some very small unit has at the last minute to stay two or three days longer. I do not see it, but it might be just a minimal unit that would have to stay three or four days. And actually in the United States case I do not believe it will be a problem. I know it will not be a problem. And if it should be, I am certain it will be handled with mutual understanding. In the Korean case, fine. We will have to look into the shipping situation. We are almost certain it can be handled, but we can let you know within a week or two and again it will not be a big matter.

Le Duc Tho: I find it difficult to understand. You give us a specific undertaking here that all United States and other foreign troops shall be withdrawn within 60 days but now you mention about Korean troops and you mention shipping and say "I give you answer in a few weeks' time."

Dr. Kissinger: Mr. Special Adviser, do you really think, after such a big undertaking, that we would sign an agreement with you and then want to play games with you to keep a few there for a few days more? Does it make any sense that we would stop all military activities. I want to be honest. I think it is 98 percent certain that we can get all

our forces out. Only in order to be absolutely honest with you, I wanted to leave a little margin for technical error. It would not be more than ten days; I don't think it will arise at all. I just wanted to tell you in a spirit of frankness that when you move 50,000 people in two months, there may be some logistic difficulties.

Le Duc Tho: When you sent the troops in, in 60 days you could send a much bigger number of troops in. But please now give us a very specific number of days. Like 65 days for instance, if you propose it, we could agree.

Dr. Kissinger: I think it is ridiculous. If we say 60 days, it will be done in 60 days.

Le Duc Tho: You said that it is 98% sure that they would be out, but there might be 2,000 more, but I say let your proposal be 65 days.

Dr. Kissinger: No, it won't make any difference. I wanted to make a generous gesture and say 60 days, and then tell you if we came across an unexpected difficulty—which I don't expect—I wanted to tell you in a spirit of frankness. I shouldn't have even mentioned it.

Mr. Special Adviser, let us leave this subject. When I come to Hanoi I will have looked into the question in Washington. If it should turn out that we need 62 and one-half days or 65 days, I will tell you then. It was your proposal. I was trying to leave a tiny margin for a gentleman's agreement; I can see we are not at that level yet. If it should turn out that we need 65 days I will tell you when I come to Hanoi and we can change it then.

Le Duc Tho: I shall let you correct the agreement in Hanoi.

Dr. Kissinger: You will see I will not change it and you will also see that I have every interest to make sure that an agreement we both sign is one I can keep, and you will have every reason to feel was a just agreement for you too.

Le Duc Tho: Now let us tackle another point. The question of replacement of arms. This point still contains difficulty between us. Let us propose the following to settle this question: "After the cessation of hostilities, the replacement of armaments will be agreed upon by the two parties. Particularly or especially with regard to weapons for inventory, the two parties will be permitted to replace them on the basis of one piece-to-piece." So I have taken into account your view.

Dr. Kissinger: No, but it is dependent now on agreement.

Le Duc Tho: But for the armaments of the inventory the parties shall be permitted to replace them on the basis of piece-to-piece. It is to limit the dangers of starting war.

Dr. Kissinger: Can you read that to me again?

Interpreter: "After the cessation of hostilities, the replacement of all kinds of armaments, of weapons will be agreed upon by the two

parties. Especially regarding the armaments for the inventory, the two parties shall be permitted to replace them on the basis of piece-to-piece."

Dr. Kissinger: I cannot go much beyond what I have given you. Because we already confront a situation where we will be charged with having no restrictions on the imports of weapons into North Vietnam, no control except your statements on the influx of weapons into Cambodia and Laos, and then on top of it we cut off even replacement of weapons to South Vietnam. It will become an impossible assignment.

The only change that I can make to what I have given you is to add the phrase "and of similar characteristics," so that you will be sure there will be no upgrading.

Le Duc Tho: Please explain "of the same characteristics." What do you mean by that?

Dr. Kissinger: That means you can't replace a rifle with an artillery piece. I mean you can replace a rifle with a rifle.

Le Duc Tho: On this question we are still far apart. On the military questions this is one outstanding question, because you will be able to introduce into South Vietnam any amount of weapons.

Dr. Kissinger: Only by getting rid of other weapons. For every weapon that is introduced, a weapon has to be thrown out. There can be no reinforcements.

Le Duc Tho: So we have not come to agreement on that point. Set it aside then. There is another question, the greatest outstanding question, of the prisoners. I have misunderstood Mr. Special Adviser. I thought that you would add a sentence about the release of civilians captured in South Vietnam, and I did not know that you mentioned here that the release will be carried out on agreement by the parties.

Dr. Kissinger: What did the Special Adviser think I would say?

Le Duc Tho: I thought that you would put that after the cessation of the war, then captured and detained people of all parties shall be released. And the title of the chapter is written "The Return of Prisoners of War and the Return of Captured and Detained People of the Parties."

Dr. Kissinger: Ours is written differently. That is what we have to decide. But I understand your point.

Le Duc Tho: So we are still far apart in this problem and it is one of our major difficulties.

Dr. Kissinger: It is a point I understand. I have no solution. No solution has occurred to me but I recognize it as a severe problem.

Le Duc Tho: Imagine, Mr. Special Adviser, that the war has lasted so long, that the Saigon Administration has captured tens of thousands of civilians and now the war is ended and those people are not released. It is a very big problem. We have signed agreements twice in 1954 and

1962; we have never met such an obstacle as you raise this time. It is a problem that it is difficult to come to an agreement on that question. We would like to find some formulation, some way of writing this provision.

Dr. Kissinger: So would we.

Le Duc Tho: You see, in the whole agreement there are many points which are difficult, but we have found the way to get out. We can say that for this agreement since we began working this morning, we have agreed on almost all.

Dr. Kissinger: I agree.

Le Duc Tho: Now it's the biggest question remaining. So if we can't settle this question now, I propose the following: When you go to Saigon you have full authority to settle this problem. You say that you will have difficulty in Saigon, but I believe it is not true. [Laughter on U.S. side.] This question implies many aspects: political aspects, human conscience. But if we can't settle this question now, then lay it aside.

Dr. Kissinger: Let me say, Mr. Special Adviser, I think you have exaggerated ideas of the degree of my authority. I will have enormous difficulty in Washington already, with the agreement as it stands. For many reasons, which I will some time explain to you when it isn't so late and I can explain to you the operation of the governmental machinery, everybody who was excluded from the negotiations now has a vested interest in demonstrating that I betrayed the country. They have not had the privilege of working with you, but they think that you are easier to persuade than you are. But this is my problem; I will handle it.

Le Duc Tho: I think if now you succeed in settling the Vietnam war, and if there were an American who called you a traitor, then this American is unworthy to be an American.

Dr. Kissinger: Well, we will see. It is my problem and I will handle it. But above all, and whatever the situation in Washington, we will have an unbelievably difficult time in Saigon next week. We should not underestimate this, and it is in all our interests that we do not repeat the experience of 1968. And from a political point of view it is very risky for us to have a confrontation at this moment. But I think the Special Adviser's proposal is reasonable. I shall make a big effort in Saigon. I shall report frankly to you what I think is possible, and then we shall see whether we want to proceed. But I understand your problem.

While we are talking about this, incidentally, may I say that when the Special Adviser leaves here there is already . . . I have been away from Washington so long with so little information, and I have never been away from Washington at the same time that my Deputy was

away, so if the Special Adviser leaves for Hanoi as he said he might, tomorrow, there will be even more speculation. We must avoid two opposite dangers. The one danger is that the impression is created that we have already concluded an agreement. Because we want to arrive in Saigon without prior notification of this agreement, so it is very important that we keep the secrecy and that no comments be made to anybody, and that if you inform your allies they understand the need for secrecy.

The other danger is to leave the impression that our negotiations have totally failed. And perhaps if the Special Adviser would permit me to make a suggestion to him on his very skillful handling of the press. If when he leaves he could indicate that he expects to return here soon to resume negotiations, it would be helpful.

Now we have still . . . I don't know what the Special Adviser recommends on how we should proceed.

Le Duc Tho: Let me make the following proposal. I only see we have a very long distance between you and me. If we review all the problems we have raised, there are two problems left now; the question of replacement of arms and the question of prisoners.

Dr. Kissinger: No, three. I have to say something yet on Laos and Cambodia, and we have some technical questions on the control chapter. Should I raise those now?

Le Duc Tho: Please.

Dr. Kissinger: They are not issues of enormous principle.

Le Duc Tho: Then we let that to the experts.

Dr. Kissinger: But I can make very concrete suggestions and they are not too difficult for you.

First, I am not sure I understood you, Mr. Special Adviser. At one point you said that the four-party Joint Commission should end its activities at a certain point. Where do you want to write that into the agreement?

Le Duc Tho: I shall take note of your question and I shall answer you later. It is not a difficult question.

Dr. Kissinger: May I suggest the following: First of all, did I understand you correctly? If we could agree on the following in Article 13(b) for example: "Until the international guarantee conference can make definitive arrangements, the International Commission of Control and Supervision"—instead of saying "shall be responsible," say "will report to the four parties." This would make a very great difference in our presentation. It is really the only issue of principle I have to raise. That, of course, would come also in 13(c), the same sentence with respect to the two parties.

Le Duc Tho: Previously you have proposed the words "to be responsible to." Now you change it.

Dr. Kissinger: Yes, I tell you what the problem is. On every other section of the agreement I will be able to override the critics because I will be recognized as having some competence. But in this section it will be ridiculous to say that the International Commission will be responsible to the people whom it is supervising. Therefore, I would like the international conference to decide to whom it is responsible. I have no doubt that you will defend your position and with your usual tenacity. One of my colleagues can have the pleasure of debating these constitutional problems with the Minister. This is a neutral formulation which commits neither side. You will defend your position. You will certainly be supported by some of your allies at this Conference and you will not be in an isolated position. Until then they will make their reports to the parties. In practice, as the Minister knows, "to be responsible to" means making a report to somebody. That is what the Lao Commission does and what the ICC Commission does.

Le Duc Tho: I agree that the Commission shall report to the parties. You see I can agree very quickly!

Dr. Kissinger: When it makes no difference! You will make my reputation in Washington.

Le Duc Tho: But all of my requirements are big requirements, but you have also. You should pay great attention to the question of prisoners.

Dr. Kissinger: I will pay great attention to the question of prisoners. I understand it very well. It is a human question. I understand it very well. Could we take a five-minute break? I want to discuss with my colleagues the question of Laos and Cambodia.

[The meeting broke at 12:05 a.m. and resumed at 12:27 a.m.]

Dr. Kissinger: I have one proposal about the chapter on Cambodia and Laos. I have expressed my view on the replacement question and I gained the impression that the Special Adviser was not in total agreement. Or did I miss his point? [Laughter] He has such an indirect way of making his case that I thought perhaps I missed it!

What is lacking in paragraph 15(b) is that it does not define who has what obligation and when. So in order to end the discussion, I will drop the sentence on replacement and propose the following sentence, which I draw from what I thought the Special Adviser said this morning: "The parties concerned will convene a conference or conferences to arrange the modalities."

Le Duc Tho: You have finished?

Dr. Kissinger: Yes.

Le Duc Tho: I have to say that Mr. Special Adviser always puts forward complicated questions and problems. I have told you that for the time being there have not been circumstances or time to discuss

with our allies, to raise the question with our allies and friends, and to do that we need to exchange views with our allies. It will take some time. I have told you that if the war in Vietnam is ended and the ceasefire in Laos takes place too, then all the questions you raise will have been solved. I firmly believe when our problem is settled and when the Laos problem is settled, the settlement will come very fast. I think that we should have a minimum of mutual understanding and a minimum of mutual trust. If you request me to write here one sentence I can do that.

Dr. Kissinger: You can?

Le Duc Tho: Yes.

Dr. Kissinger: Well, that is what I want, one sentence.

Le Duc Tho: I have not yet finished my ideas. But what I told you helped to settle the problem. I told you that the ceasefire in Laos would take place one month after, that once the Vietnam problem is settled, then the ceasefire in Laos will come no later than one month after. So the putting down of a sentence here does not bring anything out, and the sentence I told you verbally will come true quicker than the sentence written.

Dr. Kissinger: I believe this. I don't need this sentence as an obligation for you. I need this sentence so that I know what to instruct our government to do. They will want to know what are they obligated to do now, and if we set the direction to be worked out then they will know what to do. If we say nothing they won't know what to do and what the obligation is. So it is not to create an additional obligation for you. I accept your assurance.

Le Duc Tho: You can give directives to your government whether this sentence is put down here or not.

Dr. Kissinger: No, I cannot. This . . .

Le Duc Tho: You request me to put a sentence here. This will make the question more complicated. Not so complicated for Laos but for Cambodia. You are thinking of your difficulty, you are thinking of your favorable conditions, but you are not thinking of our difficulties.

Dr. Kissinger: All right, we will omit the "conference," we will just say "the modalities will be worked out." The Special Adviser this morning said to me that after the ceasefire he will start consulting his allies. He also said that it is dependent on the withdrawal of all other forces; that means somebody has to talk to somebody to arrange a time and obligation, and that is what I am trying to fix here.

Le Duc Tho: I can tell you that when the ceasefire in Laos begins, then the parties will meet and discuss the modalities. I know immediately after the ceasefire the parties will meet.

Dr. Kissinger: Well, I have another suggestion then.

Le Duc Tho: You have frequent successive proposals.

Dr. Kissinger: Never stop. Let us take paragraph 15 (b) and make it, with the amendments, an understanding between us, and take it out of the agreement.

Le Duc Tho: There is no important point. I have no objection. That is agreed.

Dr. Kissinger: But then we will see. We would have it as a joint statement and then we would add "The parties concerned will convene a conference or conferences to arrange the modalities."

Le Duc Tho: It is a higher requirement than before.

Dr. Kissinger: No, but it isn't public so it would not be embarrassing.

Le Duc Tho: You will keep the paragraph 15(b) in the agreement?

Dr. Kissinger: No, out of the agreement; it becomes a private understanding between us. [Each side confers.]

Le Duc Tho: I think that paragraph 15(b) should be kept in the agreement. Now, we too, can write down: "The foreign powers in Laos, after the ceasefire in Laos, can arrange modalities for the implementation." We should not mention Cambodia in here. Because if you take out 15(b) and you put a sentence and you mention Cambodia, it is complicated. So let us keep modalities for Laos first.

Dr. Kissinger: If you make it a private understanding . . . well, go ahead give it to me again.

Le Duc Tho: "After the ceasefire in Laos, the foreign countries in Laos will discuss with their respective allies to arrange the modalities of control of implementation of troop withdrawal from Laos. They would introduce foreign troops, military troops, . . . into Laos."

Dr. Kissinger: We can say "modalities of implementing 15(b)." That is clear enough.

Le Duc Tho: All right.

Dr. Kissinger: What do we say about Cambodia?

Le Duc Tho: With regard to Cambodia, since we have not exchanged views yet, if we do that it will be complicated. As far as we are concerned we shall do our best in this connection. You have known that this problem of Cambodia is complicated.

Dr. Kissinger: All right.

Le Duc Tho: But once the Vietnam problem and the Laos problem have been settled then the Cambodia will be settled. But we need to discuss with them. The Cambodia is more difficult.

Dr. Kissinger: You would like to add the sentence you gave me to the sentence on the ceasefire in Laos?

Le Duc Tho: Right. It is confidential understanding between us. It is not to be added to agreement.

Dr. Kissinger: Yes, to be released at a press conference!

Le Duc Tho: If you understand it this way, it is wrong.

Dr. Kissinger: No I understand. I must say something about the Special Adviser. He won't trust me about two days about troops in Vietnam but he demands I trust him for a much more indefinite future in an infinitely more complicated situation in Laos and Cambodia.

Le Duc Tho: No, I was not worried by the fact that you remain there one day or a few days more in South Vietnam, but since you raise the difficulty I would like to take into account these difficulties. This is a frank . . .

Dr. Kissinger: I will know when I come to Hanoi. It is not foreseeable that there will be difficulties. If there are—anyway I don't expect any—let me get back to you.

What this now says is: "After the ceasefire in Laos the foreign countries in Laos will discuss with their respective allies the modalities of implementing Article 15." Can we add, "or discuss with their allies and with each other." Or can't we add "each other"?

Le Duc Tho: All right.

Dr. Kissinger: You say "The foreign countries in Laos." "The foreign countries engaged in Laos?" Or "involved in Laos?" I don't know what "foreign countries in Laos" means.

Le Duc Tho: Mr. Special Adviser, after the ceasefire in Laos probably we shall meet each other and we shall say how to carry this out, because I have not any ideas at the time being.

Dr. Kissinger: That is all right. I look forward. Maybe the Special Adviser would come to Washington for that occasion. No, we can meet certainly. But we are now concerned with the sentence and the phrase "the foreign countries in Laos." It is not a good word in English because it is a contradiction in terms. You can say "the foreign countries involved in Laos," "with forces in Laos," or something like that.

Le Duc Tho: We shall review the Vietnamese formulation and leave to you the English formulation.

Dr. Kissinger: All right, but we agree to this sentence.

Le Duc Tho: Which sentence? Please read.

Dr. Kissinger: "After the ceasefire in Laos the foreign countries in Laos"—I would prefer to say "involved in Laos, etc."—"will discuss with their respective allies the modalities of implementing Article 15."

Le Duc Tho: But it is for a confidential understanding between us.

Dr. Kissinger: Yes, but we add it to the paragraph he handed me on ceasefire. It is a confidential understanding. It shall not be published. It is your own sentence.

Le Duc Tho: "After the ceasefire in Laos the foreign countries in Laos will arrange the modalities for the implementation of Article 15(b)."

Dr. Kissinger: That is all right.

Le Duc Tho: You maintain 15(b) in the agreement?

Dr. Kissinger: Yes, if we have this as a private understanding "After the ceasefire in Laos the foreign countries in Laos will arrange the implementation of implementing Article 15(b)."

Do you mind if we say "Agreement on Ending the War and Restoring Peace in Vietnam"? So that no one thinks it is a UN Charter? [Laughter] Or the United States Constitution? [The Laos understanding as agreed is at Tab C.]

Le Duc Tho: So it is sufficient now. Now let us settle another question. Let us to go to another question. Now there are only two questions left, the question of captured people and the question of replacement of armaments. We have done our best with you to achieve agreement. Now I think that we should deal with other chapters completely. As to these two questions: On replacement of weapons, we have agreed in principle but as to the formulation we differ. But the most difficult question is the question of captured and detained people. Now let us achieve agreement by our experts. So according to you, you will return to Washington and you will come back to Paris, so you will think over and I will do the same and we shall both achieve the agreement.

Dr. Kissinger: We shall both meet. I shall meet the Special Adviser again?

Le Duc Tho: As to your new schedule we shall have to exchange views with our leaders in Hanoi. I shall give you an answer later.

Dr. Kissinger: Yes, but I didn't give you a new schedule yet.

Le Duc Tho: Let us now discuss the schedule then if you have one.

Dr. Kissinger: Well, it depends. I could come here again and meet either with you or with the Minister and make one final check of the agreement, to make sure we understand each other. I could do that on Monday. I need at least three days in Washington, because I must make preparations on the economic question, I must get the legal questions looked at . . .

Now I have two alternative approaches. If I do not come back here, then I will leave Washington Monday morning and arrive in Saigon the evening of the 17th. Then I must take three days in Saigon, spend there the 18th, 19th and 20th, then I would go to Hanoi the morning of the 21st and leave the morning of the 23rd. We would announce the agreement the morning of the 26th, your time. And we would sign it either the 29th or 30th depending on schedules. Maybe the 30th,

because the 29th is a Sunday and we don't want to deprive your Minister of attendance at church. [Thuy laughs.] So let us say the 30th would be the signature. The announcement would be on the 26th.

This is if we could settle everything tonight. What I intend to do on the prisoners is to see whether I can persuade Saigon to make a gesture when the agreement is announced and to give your leaders then assurance that we will continue to use our influence. This is the way my mind is thinking now. This is one possibility.

The other possibility is that we meet here on the 16th or 17th—the 17th. I cannot really leave Washington before the 16th. Then I would go from here to Saigon. That would get me to Saigon the evening of the 18th, then I would be in Saigon the 19th, 20th and 21st. In Hanoi the 22nd and 23rd. I would return to America on the 24th. The announcement would then be the morning of the 27th, your time. Everything is one day later that way. Announcement would be the morning of the 27th, your time and the signing could still be on the 30th or 31st.

So we can do it either way. It might be a little better if we could meet here on the 17th, Tuesday, next Tuesday. Those are the two possibilities. It is a little better, I think, if we meet again. Or if the Special Adviser wants to return to Hanoi, it would be a pleasure to meet with the Minister, but he never yields anything. [Laughter] It is just that if there are last minute difficulties and if there is any problem tomorrow between the experts, or if our bureaucracy have any suggestions—not of a principle nature, but of words—we might perhaps get it done here.

My colleagues wondered whether you are going to make Cora Weiss come to get me!

Le Duc Tho: Have you finished?

Dr. Kissinger: Yes.

Le Duc Tho: We have both made an effort to achieve the settlement in the main questions. But there are two questions left, particularly the question of captured people. It is a big question as you have realized. So imagine that when the agreement is signed it is announced that 60 days after the signing all captured people will be released, including American servicemen captured during the war. Think that when all captured people including Americans captured during the war are released, tens of thousands of our people are still in jail. It is a real difficulty for us, politically speaking and sentimentally speaking. The war has lasted decades and so the people have been in jail for 10 years or more, and they are looking for peace to be released. But now peace is restored and they are still in jail, and all parties will announce that within 60 days of the signing of the agreement then all foreign troops will be withdrawn, all captured people will be released.

We are prepared to abide by this time schedule and to respect what we have signed. But in that time innumerable people of ours are still in jail. It is something utterly unfair. It is a real fact. Please pay great attention to this question. We wanted to settle all the problems I have raised to you. There are many which are very difficult but we have settled them. We have made effort. Tonight I have made every possible effort to settle the problems. But there is one problem—sentiment. I have not solved it. This is a fact.

Dr. Kissinger: I understand.

Le Duc Tho: But I believe that you will make an effort on this.

Dr. Kissinger: I will make a major effort.

Le Duc Tho: We shall make our effort too. We want to receive you in Hanoi to settle the problem, and no doubt we will settle the problem. Now there are a few problems left. I think that it is good if you return on the 17th, the sooner the better.

Dr. Kissinger: I will make a decision when I come to Washington how quickly I can return. I can definitely promise the 17th. But I think the best way to get an answer on the prisoners, quite honestly, is in Saigon, and if I raise the issue by telegram it will make the presentation of the agreement much more difficult since I will not be able to explain the circumstances of the agreement. So I will not be able to give you a definitive answer on the 17th, but I will make inquiries and we will have a better estimate.

Le Duc Tho: So if you have arranged to return here on the 17th, it is all right.

Dr. Kissinger: Will you be here, or whom shall I meet?

Le Duc Tho: Let me explain. According to the schedule you have presented here, I will return to Hanoi in a few days to arrange your trip to Hanoi. In the meantime you will meet Minister Xuan Thuy to settle the outstanding questions and to arrange the text.

Dr. Kissinger: Right.

Le Duc Tho: And afterward you go to Saigon. So we will receive you in Hanoi on the 22nd.

Dr. Kissinger: There is a very important football game in Washington on that day and we cannot bring Mr. Lord because he will not miss that game. Can we also get some technical answers about what airplane we can take?

Le Duc Tho: I shall do everything.

Dr. Kissinger: Thank you.

Le Duc Tho: So you will be in Hanoi on the 22nd. Let me repeat the schedule to see whether I have well understood. On the 17th you will meet Minister Xuan Thuy in Paris.

Dr. Kissinger: Right.

Le Duc Tho: You will come to Hanoi on the 22nd and you will leave Hanoi on the 24th. Announcement of the agreement already initialed by the two parties the morning of the 27th.

Dr. Kissinger: Your time, the morning of the 27th. Evening of the 26th our time.

Le Duc Tho: Sign on the 30th or 31st.

Dr. Kissinger: I will give you on the 17th the definite date, or I shall let you know before then through the liaison officer. Probably the 30th, but whichever you prefer.

Le Duc Tho: According to me, if you can return to Paris sooner then it would be more convenient to me and to our leaders in Hanoi.

Dr. Kissinger: I cannot possibly return before Monday. That is out of the question. I will not know until I get to Washington to see what I face. It is very unlikely. We face a massive job in Washington.

Le Duc Tho: So if you cannot come to Paris earlier then, we shall arrange our schedule or time. So please keep this schedule.

Dr. Kissinger: We appreciate it. We are grateful. This is a schedule now which I am confident we can keep.

Le Duc Tho: But since you go to Hanoi then you will stop the bombing on what date?

Dr. Kissinger: I am going to Hanoi on the 22nd.

Le Duc Tho: Will you keep the 18th as before?

Dr. Kissinger: No, it will create too much confusion. We will reduce the bombing. You will see. I told you today we will no longer bomb Hanoi. We have already ordered this today, and we will keep this and we will decrease the number of sorties. It would be best if we stopped north of the 20th parallel the morning of the 21st and everywhere the evening of the 21st. And we will reduce in a way which you will notice in the next week. But it is essential that we do not have too much speculation until we have been in Saigon.

Le Duc Tho: So now we have set a schedule. Let us firmly keep it. We shall do an effort to keep it.

Dr. Kissinger: We, too.

Le Duc Tho: We shall rearrange our program of work. This should not be upset by change.

Dr. Kissinger: Thank you.

Le Duc Tho: Because your reception will be a whole thing to organize but it is very hard, very tiring too, if it is upset.

Dr. Kissinger: I understand. We will not change.

Le Duc Tho: And it is also very hard for me to return. Now let me say about the agreement. Let us complete the text on the points, on

the provisions, we have agreed on. On the two points I have mentioned to you, when you meet Minister Xuan Thuy then I think you should come to an agreement by that time. We shall make an effort. You should make an effort too.

Dr. Kissinger: I don't know whether the Minister, fond as I am of him, is capable of agreeing!

Minister Xuan Thuy: It is easy to draw experience from Avenue Kleber.

Le Duc Tho: So I can say now that except for these two questions we have agreed in the main.

Dr. Kissinger: That is right.

Le Duc Tho: So each one what we have agreed, we should not change it.

Dr. Kissinger: A few words here and there.

Le Duc Tho: Technical words. We will not change it too. We are not like you, always adding everything.

Dr. Kissinger: I like the generosity of spirit.

Le Duc Tho: So we have agreed on the schedule. We are determined to do in this direction.

Dr. Kissinger: I am a little worried about those last two items, Mr. Special Adviser. How shall it be done, with the Minister and I negotiating them? Or what do you suggest?

Le Duc Tho: Minister Xuan Thuy and you will negotiate. Minister Xuan Thuy has full power to do that.

Dr. Kissinger: That is more than I can say for myself.

Le Duc Tho: You have it. You have full power.

Dr. Kissinger: Don't ever say it when the President can hear you.

Le Duc Tho: Now when you come here I will have left Paris already, otherwise I would be present . . .

Dr. Kissinger: I understand.

Le Duc Tho: Now there is another question. The Agreements on the Exercise of South Vietnam People's Right to Self-Determination. When we have time, I myself and you will discuss it.

Dr. Kissinger: All right, we will continue our conversation.

Le Duc Tho: On this basis?

Dr. Kissinger: Yes, on a private basis.

Le Duc Tho: This will be used as a basis for the two South Vietnamese. I have drafted the announcement when you come to Hanoi. I have redrafted it a little: "As agreed upon by the Democratic Republic of Vietnam and the United States, Dr. Kissinger arrives in Hanoi on October 22, 1972 to continue the talks with the Special Adviser Le Duc Tho and to meet with the leaders of the Democratic Republic of Vietnam."

Dr. Kissinger: Could we say "By mutual agreement of the Democratic Republic of Vietnam and the United States of America by mutual agreement." It is the same meaning.

Le Duc Tho: Yes.

Dr. Kissinger: "By mutual agreement between." [Le Duc Tho hands over DRV draft announcement, Tab D. Dr. Kissinger reads it.] Can we say "Dr. Kissinger, Assistant to the President"?

Le Duc Tho: All right.

Dr. Kissinger: I must tell you I think it will be to all practical purposes impossible to hold the announcement until I am in fact there. We will try to hold it until. Well, we say "has arrived in Hanoi," or "arrived in Hanoi on October 22 to continue talks with Special Adviser Le Duc Tho and to meet other leaders of the Democratic Republic of Vietnam." The rest is fine.

Now when I meet the Minister we will make the usual announcement that I am here and this time to meet Minister Xuan Thuy. On the 17th. Just what we have always done.

Le Duc Tho: Now on the part of the agreement we have agreed to, how we shall proceed?

Dr. Kissinger: Mr. Lord and Mr. Engel will meet with you tomorrow. I propose you don't meet until noon. And can they meet somewhat closer, maybe not out here. They are not so well known! Maybe at the meeting place at the previous place. Whom will they meet?

I want to say, in order to avoid confusion, we will retype from our English and you have a copy of it. We will make a most conscientious effort to make sure that everything we have agreed on is incorporated.

Mr. Lord has no authority to negotiate, so if he is difficult this is not a sign of ill will. But he can make verbal adjustments. So if substantive differences remain, we will have to leave them until the 17th. He can bring the differences back, of course. He will leave a copy with you of our text with the right page numbers, with our page numbers. If there are any unexpected technical problems in Washington, I will notify you immediately and let you know what they are, on what page, and why. I do not expect it, but we must be prepared for everything.

Now we have one other matter which I must say. Even though you think I have full power, in our system the President must make the final decision, and he must see the completed text. I do not expect that he will raise any objections and I have often negotiated for him and he has never changed it. If there should be any objections from the President, I will let you know on Friday. He will be out of town tomorrow. I just must say this. You shouldn't be too concerned about it, but I must say it on grounds of propriety. He will almost certainly approve it; I would say certainly.

Le Duc Tho: I can say now that we have achieved one of our most difficult work. We have made very important steps. In fact, the Vietnam war has been the longest, the most difficult and the most expensive war in American history. As far as we are concerned this war is also the biggest war against foreign aggression in our history, and it is also the biggest war against foreign oppression by oppressed peoples in the world. Our negotiations have lasted over four years now. It can be said that these negotiations are the longest negotiations between nations in the world. But we have made great effort, and you too, you have made great effort. And the efforts are the biggest during the last few days. And sometime during the course of the negotiations, our discussions were hot; on many occasions the impression left was that the negotiations might break. But our efforts have been great, and it can be said that our negotiations have brought about basic agreements on many basic questions, although the agreement has not been completed in that there are still two or three questions left. But through our effort, no doubt we will reach our objective of peace.

If peace is restored, I can say that there is a new page turned in the history of the relationship of our peoples, a new page turned from the relationship of hostility to a relationship of friendship; not only for the immediate period but for the long-term. And the day of signing of the settlement and the day of the end of the war will be a day of festivity for our two peoples. You and us can undertake to firmly keep the agreement we have made here. When we achieve the agreement, then we will undertake to honor what we have signed. So that is what I would like to express before I leave for Hanoi in two or three days. And I would like to wish you, and General Haig, and all your colleagues a good trip, a safe trip, to visit our country. It is my wish that your trips will be crowned with good success opening up a new era in the relationship of our two countries.

I shall meet you in Hanoi with General Haig and all your colleagues.

Dr. Kissinger: Mr. Special Adviser, I greatly appreciate your comments. I have personally negotiated on the problem of Vietnam now since 1967 and with the Special Adviser since 1969. We have had very difficult periods, but we have surmounted them, because we have both realized, as our people have realized, that peace is the most important objective to be achieved. As I told you yesterday, our two countries have on several occasions, made an armistice with each other but this time we must make a permanent peace.

But as we move from hostility to friendship, we should remember that there has been a great deal of suffering on both sides and that we owe it to those who have suffered that we not characterize the war in any particular way and that neither of us proclaim victory or defeat.

The real victory for both, of course, will now be the durable relations we can establish with each other. So when my colleagues and

I come to Hanoi, we will come to pay our respects to the heroic people of North Vietnam and to begin a new era in our relationships. And we know you will be as dedicated in the pursuit of peace as you have been in the fighting of a war. So my colleagues and I look forward very much to seeing you next week in Hanoi.

[The group gets up from the table.]

Can you let us have the information about which airplane we can use?

Le Duc Tho: For technical points, we shall answer you through Colonel Guay.

Dr. Kissinger: We have handed you a number of unilateral statements of our position in the last few days. We will get them all together and give them to Minister Xuan Thuy on Tuesday. Since it is a statement of our position, you only have to note them, you do not need to make comments.

There is one statement of your position that you said you would give us which you haven't given us, having to do with American prisoners in Laos.

Le Duc Tho: For the documents you have given us, that is satisfactory. We shall send to you an answer through the liaison officer.

[The meeting then ended.]

25. Memorandum of Conversation¹

Paris, October 17, 1972, 10:37 a.m.–10:10 p.m.

PARTICIPANTS

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
Ambassador William Sullivan, Deputy Assistant Secretary of State for East Asian
and Pacific Affairs

Winston Lord, NSC Staff

John D. Negroponte, NSC Staff

Peter W. Rodman, NSC Staff

David A. Engel, NSC Staff, Interpreter

Irene G. Derus, Notetaker

Julienne L. Pineau, Notetaker

Minister Xuan Thuy, Chief DRV Delegate to Paris Peace Talks

Phan Hien, Adviser to DRV Delegation

Mr. Thai

Nguyen Dinh Phuong, Interpreter

Luu Van Loi

Tran Quang Co

Le Bao

Xuan Thuy: [To Ambassador Sullivan] Now you are working in Washington?

Ambassador Sullivan: Unfortunately, yes.

Xuan Thuy: How long?

Ambassador Sullivan: Almost four years now. You haven't changed very much. I have gotten a little grayer because of Dr. Kissinger, though.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 856, For the President's Files (Winston Lord)—China Trip/Vietnam Negotiations, Sensitive, Camp David, Vol. XX [3 of 3]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at 108 Avenue du Général Leclerc in Gif-sur-Yvette. All brackets except where noted are in the original. The tabs are attached but not printed.

For the draft agreement that resulted from this meeting, see Appendix 2. Two days after this meeting, North Vietnam agreed to the U.S. positions on the two remaining major issues: the replacement of armaments and the release of imprisoned members and supporters of the Communist shadow government in the South, Articles 7 and 8. In the first instance, the North Vietnamese agreed to replacements on a piece-for-piece basis for those items worn out, damaged, or destroyed; in the second, North Vietnam agreed that the issue would be settled by the South Vietnamese parties after the cease-fire began. These two issues settled, the United States informed North Vietnam that "the text of the agreement can now be considered complete." (*Foreign Relations*, 1969–1976, vol. IX, Vietnam, October 1972–January 1973, Document 30 and footnote 2 thereto).

Kissinger's next task was to present the draft agreement to President Thieu in Saigon and obtain his approval. He flew directly to Saigon from Paris and began a series of meetings with Thieu on October 19.

Dr. Kissinger: Look at the Minister. It's nothing compared to what he has suffered. I thought we had agreed on no reinforcements, and see what you have brought with you.

Mr. Minister, I wanted to make a point before we started, if I could. I reviewed the communication you sent us on Saturday [exchange at Tab A] with the President. And in order to show his good will and serious desire to make progress he makes the following proposal.

With respect to Article 7, he is prepared to restore the original text, with one slight change. That is to say, he would like it to say: "The acceptance of military aid to South Vietnam in the future shall come under the authority of the government set up under Articles 9(a), 9(b) and 9(g)."

And with respect to Article 9(g) he is prepared to drop the last sentence that he proposed. And he's therefore withdrawing that sentence.

I have one other practical question. We have brought one other secretary with us. She's waiting outside with a typewriter, and we thought it might speed things if she could be put somewhere, and then as we finish one section she could type it and then we could have a clean version. [To Sullivan] You know he really understands every word that is said to him. [To Xuan Thuy] Is that agreeable to you?

Xuan Thuy: We have arranged a place for a typewriter. We intend to propose the following: We agree to each other that we should complete the text of the agreement today.

Dr. Kissinger: Exactly.

Xuan Thuy: Therefore, each page we have agreed upon then should be typed immediately, and then maybe it shall be retyped later.

Dr. Kissinger: I was afraid he was going to say each page agreed upon should go to the *Herald Tribune*.

Xuan Thuy: Your side will be in charge of the English text and our side will be in charge of the Vietnamese text. And after the typing we review each page again.

Dr. Kissinger: Exactly, exactly our proposal.

Xuan Thuy: Now how we shall discuss today? On October 12 before leaving we agreed that among the outstanding questions there are two major questions, the return of captured people and the replacement of armaments. Besides, there are changes to be brought to the sentences in the style and the wordings, to be clearer. Ever since, both sides have exchanged messages to add some sentences, to delete some others.

Therefore we propose that we should discuss now the two outstanding major questions, that is to say the return of captured people and the replacement of armaments. Afterward we shall review [it]

from the very beginning: the preamble, Chapter I, Chapter II, and so on, and each page we have agreed to we have typewritten. And which point we still differ on, then we discuss and settle.

Dr. Kissinger: I agree to this procedure. I should point out to the Minister, as I said to the Special Adviser, that we have not had an opportunity, as you have had, to discuss with our allies this document. And though we will use maximum influence to persuade them of our views, we have to take into consideration their views. This is the one proviso which I have always made. But we intend to keep to our program. As the Minister knows, I am going to Saigon tonight and we have sent General Abrams there to reinforce our arguments. But there is this problem, but I suggest that we make contingency plans after we have an agreed document.

Xuan Thuy: Now let us begin to discuss point 8, Article 8, Chapter III.

Dr. Kissinger: You have our communication on our proposed amendment to this?

Xuan Thuy: Now we should base ourself on the document agreed upon by our experts the other day. But ever since, there have been messages exchanged and a few sentences have been changed, but we will base ourselves on the document.

Dr. Kissinger: The reason I raised it is because the sentence I propose to add is designed to help your problem, the sentence which says "The two South Vietnamese parties agree to discuss this as soon as possible and do their utmost to resolve this question within three months after the ceasefire comes into effect." This was intended as a concession.

Xuan Thuy [laughs]: Now let us set aside for the time being the added sentence. In our text, Article 8(a) writes "The return of captured people of the parties." In your text you write "The return of captured military personnel and innocent civilians of the parties," etc. So I draw your attention to the words "innocent civilians"—we have stated our views on this, but you still have it. So we should discuss this, "innocent civilians."

Dr. Kissinger: All right, let's discuss it.

Xuan Thuy: Now you add a new sentence to the end of paragraph 8(c) as you have just pointed out. Now in your added sentence you propose a period of three months for solving this question. We think that the three-month period is not in accordance with the provisions before, because the return of captured people of the parties, military men as well as civilian personnel, should be carried out within two months, simultaneously with the troop withdrawal. Therefore we propose to maintain our Article 8(a) and 8(b), and there is no need to add your sentence.

Dr. Kissinger: You want to drop 8(c) and you want to maintain 8(a) and (b).

Xuan Thuy: Right.

Dr. Kissinger: Well, as I explained to the Special Adviser last week, this is an issue which is not of direct impact on the United States, because we will have left Vietnam by the time the consequences of these provisions are apparent. The difficulty we now face is that you are first asking that all of your forces can stay in the South—the second is that on top of this you are then asking Saigon to release some 30,000 individuals whom they consider as likely to engage in military activities against Saigon. I have said to the Special Adviser that if I present such a package in Saigon the possibility of our getting agreement in Saigon is very slight, and the probability that we will face a repetition of events in 1968 is very likely. I state this as a fact. If I have to present this, the possibility of keeping our schedule is negligible.

So we have looked for a formula in which we did not have to settle this issue now, but at the same time retain the possibility of using our maximum influence to bring about a favorable result with our ally after a settlement is arranged. And this is the reason why I have proposed Article 8(c) and why I frankly believe that any other arrangement is going to present enormous difficulties.

Xuan Thuy: I feel that the reason you have just given, that the people who will be released may participate again in the conflict against the Saigon Administration, is not tenable, because the PRG on its side are holding a fairly great number of people of the Saigon Administration. When the PRG releases these people, does the PRG fear that these people will fight against the PRG again? And moreover the American pilots, we will release them under this provision and without fear of any kind. And what we demand here is nothing but our agreement, the agreement we have reached, that the release of captured people should be carried out simultaneously with the troop withdrawal.

Dr. Kissinger: But we haven't reached an agreement. This is why we are talking. The difficulty, Mr. Minister, is what I have already told you. Secondly, it is a matter we have not yet discussed with the government in Saigon. I have had prepared by our own people in Saigon a list of what they know are held, including even criminals. I am sure you are not proposing that everyone be released, because this includes criminals. I also have from them an estimate of who it is conceivable could be released quickly, but it is only an estimate. One of the reasons I am going to Saigon is to make these figures more concrete. Our intent is not that none will be released in two months; our intent in 8(c) would be that first we would try to tell you before it is made final the number that will certainly be released as an act of amnesty, or whatever, and secondly to use our maximum influence to

see that the greatest possible number is released. So the choice is not between no one being released and everyone being released. The choice is about some substantial number being released initially and the remainder being released over a two-month period.

Xuan Thuy: I would like to point out two aspects of this question. The other day Special Adviser Le Duc Tho told you very frankly and very earnestly that this is a very great question for the Vietnamese people, for the PRG, for the whole Vietnamese people. Therefore, we should bring about a satisfactory solution to this problem. Moreover, we have repeatedly stated that it is our aim, our policy, to realize national concord in South Vietnam, to end all hatred and enmity, to realize national reconciliation and national concord. For this purpose all captured people should be released so that they may participate in realizing this aim of national reconciliation and concord. That you have agreed to.

If now you disagree to the formulation we have proposed in our text, then we propose that we should repeat here from Article 21(b) of the Geneva Agreement of 1954 on Vietnam the following sentence, an excerpt of the Geneva Agreement. We propose the following sentence: "The return of all people of the parties captured and detained for their participation in any form in the political and armed struggle between the parties shall be carried out simultaneously with and completed on the same day as the troop withdrawal mentioned in Article 5."

I think that this sentence is acceptable because it is an old formula. It needs no discussion at all. [Dr. Kissinger laughs] It is not I have worked out this sentence; neither have you.

Dr. Kissinger: You probably have worked it out already in 1954!

Xuan Thuy: I partly worked it out in 1954 [laughter], but it is the collective result of the work of the whole conference! I contributed to it.

Dr. Kissinger: As I attempted to explain to the Minister, of all the provisions of this agreement there are few that are going to be considered more within the domestic jurisdiction of the Saigon Government than this one. We have two problems: First, what we can agree to, and second, what will be accepted by the parties. You have pointed out in Laos and Cambodia the difficulties you have to secure rapidly the agreement of your allies. We face the same difficulty. And the only other possibility that I can foresee is that we return here next week after I have been in Saigon, when we can discuss more concretely what we are talking about. We believe this is something we can agree to, together with our assurances to you that we will use our maximum influence. I think we can reduce from three months to two months. This is possible. If we go further, then I recommend another work program. We take your proposal to Saigon, sympathetically, and then work on it here again. This would delay our program by five or six

days. But after all we have had a long struggle and we want to see that when it is ended it is ended correctly.

Xuan Thuy: It is my view that this provision is applied to all parties participating in the war. And I think that the content of the provision of the return of captured people during the war includes all captured people, and not a certain number of these people. So far we have made a great deal of effort and have solved a great number of important questions. Therefore we should not leave behind this question. I think that today both sides should endeavor to do their utmost to solve this question today. And we propose to repeat Article 21(b) of the Geneva Agreement of 1954; I think it is a reasonable proposal. This sentence we have proposed includes all captured people.

But since you want to make a distinction between innocent civilians and other kinds of people and you disagree to the proposed sentence we have made, then we propose another formula to take into account your desire to make a distinction between innocent civilians and other people. For instance I propose the following: "The return of the military personnel of the parties captured and detained in Vietnam, people of the parties captured and detained for political reasons in South Vietnam, and innocent civilians captured and detained in South Vietnam shall be carried out simultaneously with and completed on the same day as the troop withdrawal mentioned in Article 5."

So we can choose one of these two formulations if you disagree to our first proposal. The formula in the Geneva Agreement does not make this distinction, but the second proposal of ours makes the distinction between military personnel captured during the war, people captured for political reasons, and innocent civilians.

Dr. Kissinger: Which category does it exclude, then?

Xuan Thuy: Here there is a distinction between people of the parties captured and detained for having participated in the political or military struggle. Now these people should be released.

Dr. Kissinger: That's what the Geneva Agreement said.

Xuan Thuy: People from the Saigon Administration the PRG should release. The Saigon Administration should do the same. American pilots captured during the war should be released also within two months.

Dr. Kissinger: I see no difference, frankly, between your last formula and the Geneva Accord formula. It has the same practical consequence. What position do you take with respect to people who have criminal sentences and who will be alleged to have violated laws?

Xuan Thuy: What criminals do you mean? For instance?

Dr. Kissinger: Supposing somebody has shot at a police officer and has been sentenced?

Xuan Thuy: Then we should go into the content of the case to see why this man shot the policeman. Because if now an attack was launched in the city, at a post in the city, during the wartime to oppose the other side—as I told you so many occasions that the war in South Vietnam is a people's war. Therefore, the forms of struggle are very varied. You see during the resistance war against the French the forms of struggle were very varied, very multiform. It is difficult to make a distinction but it is clear that there are people who participate in the struggle by political or military forms. The form of the struggle is very varied and very complicated. In spite of this fact the Geneva Agreements could settle this satisfactorily. The fact is now the two parties have opposed each other by regular forces, guerrilla forces and others, by paramilitary forces, by political struggle in the countryside. So what I propose now is to implement a provision whereby the people captured of the parties, military or civilian, should be released.

Dr. Kissinger: I understand the proposal, and as I pointed out to you Mr. Minister, we have two problems. Problem number 1 is we do not want our prisoner release to be related to the performance of Vietnamese parties whose confidence in each other has not been historically very high, and whose ability to try to discover nuances in these texts has been well demonstrated in these meetings. So if after the agreement were signed new discussions would start about the release of our prisoners, this would have disastrous consequences in the United States. It would certainly lead to the breakdown of any agreement we have made.

Now secondly, there is the difficulty we will face when we visit Saigon, and I am attempting to have an agreement which has the probability of being accepted. You, I am told—I don't know how true this is—are not without sources of information about what goes on in Saigon. And therefore you will know that I will not be greeted as a national hero when I arrive there tomorrow morning. That is a fact—I am not arguing it—I am describing objective reality.

So we can do one of two things. We can either stick with what we have, shorten it to two months, with an undertaking by us to you that we would certainly bring about a very substantial release—and give you that number before the agreement goes into effect—during the period of the withdrawals.

And a second undertaking from us that we would use our maximum influence to bring about a satisfactory resolution during the two months for the remainder. Or we can write down one of the versions of the Geneva Agreement and take it to Saigon, with the possibility of meeting here again at this time next week if we run into major difficulties—which I am certain we shall.

Xuan Thuy: Dr. Kissinger said that you have difficulties with respect to the Saigon Administration, and we understand that. But I

think that you should understand that we, too, we have difficulty with respect to the PRG, to our people, both in North Vietnam and South Vietnam. Moreover, now we have agreed that we should end enmity and hatred, we should realize national reconciliation and national concord. If now people of the parties are not released after the agreement becomes effective, then how can we realize our objective of national reconciliation and national concord? On the contrary, the keeping behind of captured people will be the seeds, the origin, of continued hatred and enmity. And I have said also, let us now put an end to the war, usher in a period of lasting peace, open up a new era of new relationships. And in this spirit, as the DRV and the U.S. sit together for this negotiation, we have in mind a clear conscience [consciousness] of our responsibility with respect to this question. And therefore among our proposals I think that formulas in keeping with the provision of the Geneva Agreement is something logical and reasonable. It is a formulation worked out by all the countries participating in the Geneva Conference. And therefore I think we should settle this problem here.

Dr. Kissinger: All right, first of all let me say that I have occasionally accused the Minister and sometimes the Special Adviser of being unreasonable in their concerns. I recognize that this is a profound human problem for you. So I am approaching it not without sympathy for your point of view but from a desire to find a practical resolution, in order to bring a more rapid end to the war. And from this point of view we believe that, just as in the political field we have had to separate the political aspects for later resolution, so, painful as it may be, we may have to separate some aspects of the detained people and leave it for later resolution by the parties. Now we can consider stating what is contained in Article 21(b) as an objective, as a guideline to the parties that they should implement. That is a possibility we can consider. And I am also prepared to put [forward] your proposal—without necessarily our recommendation—on my trip and see what the reaction will be. But I am quite certain that I know what it is.

Xuan Thuy: Now please imagine we both want to end the war and to bring about lasting peace; you want that the Vietnam people will wipe out all hatred and enmity. Now a ceasefire will be observed, an agreement will be implemented, and the Saigon Administration does not release all people of the PRG, keeping behind a number of them, and the PRG does not release all the people of the Saigon Administration, keeping a number behind, even a number of American personnel . . .

Dr. Kissinger: That's out of the question.

Xuan Thuy: What will be the result? Seeds for continuation of hatred and enmity.

Dr. Kissinger: Well, two points: We will under no circumstances leave Vietnam or negotiate an agreement without assurances that all

the American prisoners will be released. This is a fact of life which the President repeated yesterday. On that issue absolutely no compromise is possible.

Secondly, the choice is not between releasing nobody and releasing everybody. Of course all military prisoners from the North will be released, a substantial number of civilian personnel will also be released, and a major effort will be made to bring about the release of everyone else, both by the parties and by the maximum influence of the United States. And of course also military personnel from the PRG.

Xuan Thuy: Now please think: for American prisoners you want them to be totally released, but for people of our side on the PRG you don't want them to be released totally in keeping with provisions applied for both sides. Then how can we call it fairness, how can we call it humanity? As to what you call concession, I should point out that previously you [we] demand that both questions should be settled simultaneously. But now we have come to an agreement that we should settle definitely the military questions. As to the political questions we shall agree only the main principles and we refer the political question for the discussion of the two South Vietnam parties to seek a settlement. We have shown great flexibility and reasonableness. But now there is only one question left, the question of the release of people captured during the war. We, we are prepared to release all your people, but you are not prepared to do the same. How can you call it fairness and humanity?

Dr. Kissinger: Well, as I have pointed out to the Minister, the conditions that bear on the civilians in South Vietnam bear some relation to the conditions that caused us to separate the political and the military questions. I recognize that the DRV side has made major moves in recent weeks and I recognize they were not easy. In a spirit of moving from a position of hostility to where we can visualize a position of friendship. We have in the last four days made significant progress.

This problem of civilians in the South is, firstly, not in our control. It is, secondly, closely related to the political question in the South. It will raise all sorts of questions of definition of what is criminal and what is political activity. It means all sorts of complexities. This is an objective difficulty. It is our desire to speed an agreement that has caused us to propose this formulation. American pilots that have been captured in Vietnam, we can give you every assurance that they will never be in military activity in Vietnam again. The question of civilian personnel is of a different order, and it is for this reason that we propose paragraph (c), or some variation. But it is conceivable to me that we could accept paragraph 21(b) as an objective which is then to be negotiated by the two parties and within the time frame we have mentioned.

Xuan Thuy: Let me say this. First, the question of released people of the parties captured during the war is a question to be implemented

within two months simultaneously with troop withdrawal. It is not a question concerning the two South Vietnamese parties. Moreover, in the Geneva Conference of 1954 the Conference came to the formula of Article 21(b). When they reached this provision they did not consider which category of prisoner belongs to political prisoners, which one is the category of military prisoner. But they agreed to this sentence, and the parties concerned will discuss how to implement this provision and decide which kind of prisoner is to be released.

But I propose this. For now we can't agree on this question. We should leave it aside for the time being, discuss another problem and in the meantime we shall think over it and return to it later.

Dr. Kissinger: That's a good idea.

Xuan Thuy: We discuss now the question of military aid and of replacements. Now regarding Article 7, both the question of military aid and question of replacement of weapons.

Dr. Kissinger: Yes.

Xuan Thuy: Now regarding Article 7, please read your amendment to the first paragraph of Article 7.

Dr. Kissinger: Well, we had first proposed to delete it altogether, but then I showed the message that was sent to us to the President. So he proposes the following: "The acceptance of military aid in the future shall come under the authority of the government set up under the authority of 9(b) and 9(g) of this agreement." It is almost the same as what we had.

Xuan Thuy: What is your idea when you propose to delete the word "definitive" and to delete the part of the sentence saying "after the general elections in South Vietnam."

Dr. Kissinger: Because basically this problem should be discussed in Article 9. This article discusses only the question of cessation of hostilities and we don't want this article to discuss any particular political provision, since they are discussed in much greater detail under Article 9.

Xuan Thuy: Now you proposed previously to delete the first paragraph of Article 7?

Dr. Kissinger: Yes.

Xuan Thuy: . . . because it deals with the political questions, then we propose to put this paragraph at the end of Article 9(i).

Dr. Kissinger: I understand. And it would then read what?

Xuan Thuy: So after the words "South Vietnam will accept economic and technical aid from any country with no political conditions attached," we add the sentence, "the acceptance of military aid in the future will come under the authority of the government . . ."

Dr. Kissinger: Well, we can accept this if we leave out the word “definitive.” You didn’t read the word “definitive,” but I don’t want to take advantage of the only inadvertence the Minister has committed in four years of contact with me!

Xuan Thuy: I propose: “Acceptance of military aid to South Vietnam in the future shall come under the authority of the definitive government . . .”

Dr. Kissinger: [laughs] Well, I accept this, with the deletion of the word “definitive.”

Xuan Thuy: “Government set up after the general elections in South Vietnam.”

Dr. Kissinger: I accept that. Can we . . . We want to substitute one word.

Xuan Thuy: So this first paragraph we put at end of Article 9(i).

Dr. Kissinger: Yes. Could we substitute one word? It is strictly stylistic: “The acceptance of military aid by South Vietnam” rather than “to South Vietnam.” Yours is better French, and ours is better English!

Xuan Thuy: Agreed.

For the second paragraph, I propose to add one more word. I read it: “From the enforcement of the ceasefire to the formation of the definitive government the two South Vietnamese parties shall not accept any military aid and the introduction of troops, military advisers, etc.” So I propose to add “military aid” after “accept.”

Dr. Kissinger: Well, first of all, since we have moved the preceding paragraph it doesn’t make any sense now to speak of the definitive government in the first clause. So I think we should say “From the enforcement of the ceasefire the two South Vietnamese parties . . .” Or if you want to say “From the cessation of hostilities until,” “From the enforcement of the ceasefire until the formation of the government provided for in Article 9(g) and 9(b) . . .” Oh, it’s 9(b) and 9(i).

Xuan Thuy: “Of this agreement.”

Dr. Kissinger: “Of this agreement.” I have just conceded three words to the Minister. I demand reciprocity!

Xuan Thuy: I have made many concessions.

Dr. Kissinger: Of course I hope the Minister has noted that Ambassador Porter’s adjectives have been much more restrained lately. He’s impatiently waiting for him. [Laughter]

All right, “From the enforcement of the ceasefire until formation of the government provided . . .” All right.

Now, let us finish the rest of it. I will reserve judgment on the “military and” point until see what else the Minister has got in his portfolio here in front of him.

Xuan Thuy: Now the last paragraph of this article, regarding the replacement of weapons. In your text you write “after the cessation of hostilities the two parties shall be permitted to make periodic replacements of armaments, munitions, and war matériel equal in quantity and of the same characteristics as the equipment replaced.” We write: “After the cessation of hostilities the two parties shall be permitted to make replacements on the principle of equality between the two parties.”

Dr. Kissinger: Yes, I understand, but as I explained to the Special Adviser, the replacement problem has to be seen in relation to the equipment as it is being used up, the rate it is being used up, which is related to its characteristics. What we have done is to put into different language the provisions of Article 17(b) of the Geneva Agreement—which was no doubt drafted by the Minister himself! If he would prefer his own text we would be glad to put that in! We will be prepared to put in here the precise language of Article 17(b), which is somewhat more exact than what we have.

Xuan Thuy: We feel that the principle of equality between the two parties is more suitable, because the situation is different now.

Dr. Kissinger: In what way?

Xuan Thuy: Because the French at that time no longer wanted to be involved in Indochina again.

Dr. Kissinger: In contrast to . . . ?

Xuan Thuy: But now you want to increase the weaponry of the Saigon Administration while you want to keep behind our people captured by the Saigon Administration. And while you said that the Saigon authorities are afraid that once they are released the people of the PRG will rejoin the liberation armed forces to fight against the Saigon Administration, and so it is linked with the question of the replacement of armaments proposed here. You want to secure an advantage in this question. And our intention is that all captured people of the parties should be completely, totally released, to wipe out all hatred and enmity. We should do it in such a way so that all armed forces of the parties should be reduced, to bring a lasting peace.

Dr. Kissinger: Well, we have agreed to the section about the reduction of armed forces and we will of course adhere to that. We accept the fact that there should be no increasing and no additions. We will accept the fact that there can be no increase. But there can be decreases.

Xuan Thuy: But the result will practically be an increase of strength for the Saigon Administration.

Dr. Kissinger: Why?

Xuan Thuy: If you propose now to write this provision as written in Article 17(b) of the Geneva Agreement . . .

Dr. Kissinger: Yes.

Xuan Thuy: Then we propose to write the provision regarding the captured people of the parties in accordance with the Geneva Agreement, Article 21(b). But on the basis of what has been written with respect to the replacement of arms, this paragraph may be phrased as follows. If you agree to the formulation regarding the prisoners as has been written in the Geneva Agreement, then the paragraph regarding the replacement of arms may be written as follows: "The two parties will be permitted to replace weapons, munitions and war matériels damaged and worn out after the ceasefire on the principle of piece-for-piece and same characteristics and properties." And quantity to be replaced will be settled by the Commission.

Dr. Kissinger: Well, that's the same thing you had before, because they are operating on the principle of unanimity and they are not likely to be unanimous on each other's requirements. I think if national concord reaches the point where they are unanimous about each other's requirements, the problems will all be solved and the replacement problem will no longer exist! [Laughter]

As a practical matter there is no question that under conditions of peace the rate of supply by the United States will be much lower than they are under present conditions, under any formula.

Xuan Thuy: You are afraid that the Joint Commission will not come to unanimous agreement.

Dr. Kissinger: Yes, that is my . . . [Laughter]

Xuan Thuy: And that weapons will continue to be introduced from outside into South Vietnam. And both sides have their respective sovereignty. Then how will you solve this?

Dr. Kissinger: I agree that the Joint Commission and International Commission can monitor that what is introduced does not exceed the needs of replacement. That I'll accept. In other words, it should be notified that a certain amount of equipment is being replaced and it then can monitor that we are not replacing rifles with artillery. So the two parties should notify the Commission of new replacements that are being undertaken and the Commission can then verify that it is in fact a replacement.

Xuan Thuy: Now let us return to the question of prisoners. Do you agree to write this provision as in the Geneva Agreement? Because it is linked to the question of replacements.

Dr. Kissinger: I understand what the Special Adviser [*sic*] is saying. The difficulty is the question of the replacement of weapons is largely under our control, and we would carry it out scrupulously. But the question of the release of prisoners is not at all under our control, and therefore it is very difficult for me to put into the agreement something

which I am not sure I can deliver on. I am prepared, however, to state the provisions of Article 21(b) as an objective, the details of which will be carried on by the South Vietnamese parties in a spirit of concord and so forth.

Xuan Thuy: I feel that if we can agree with each other to write the provisions of the Geneva Agreement regarding the release of prisoners without waiting for the decision of Saigon, then the question of replacement of weapons we can consider it. I think we have decided that the two South Vietnamese parties should no longer eliminate each other or try to eliminate each other, should mutually respect each other, should settle all matters through negotiations and agreements. I am convinced that if these principles are applied then the two-party Joint Commission should come to an agreement.

Dr. Kissinger: On what? On the prisoners?

Xuan Thuy: If the principles are applied the two-party Joint Commission can agree on the replacement of weapons. Because we have been working here in a spirit of bringing about lasting peace and ushering in a new era of new relationship. And we have the responsibility to make the two South Vietnamese parties work in the same spirit.

Dr. Kissinger: And we will do our best to exercise our influence in that direction. But we cannot accept and cannot explain to the American people a document in which we withdraw our forces, with no written provision for the withdrawal of North Vietnamese forces, and in which the replacement of used-up equipment by South Vietnam is subject to a veto by the other side.

That is so grossly unfair, so unequal, that we cannot accept it, and I believe that on that point we have reached the limit of what we can concede. But we have told you also, and we stand by our word, that if this settlement is maintained in the spirit in which it was written and the spirit which we are trying to generate, if the relationships between the DRV and the United States develop in the way we are trying to guarantee, then you will see that the introduction of replacements will become a much less serious problem than it appears to you today.

Xuan Thuy: So what are you proposing to write with respect to Article 21(b)?

Dr. Kissinger: With regard to 21(b) my proposal is that we say something like—I haven't drafted it yet—"The question of the release of other South Vietnamese civilian personnel not covered by 8(a) above will be resolved by the South Vietnamese parties according to the provisions of Article 21(b) of the Geneva Accords. They will do so in a spirit of national reconciliation and concord as soon as possible and do their utmost to resolve this question within three months after the ceasefire comes into effect."

In addition, of course, after my visit to Saigon I can inform you of the number of prisoners that will be released in the two months period in any event, without negotiation, unconditionally. And in addition you have our assurance that we will use our maximum influence in seeing that this clause will be implemented.

Xuan Thuy: Please give us written formulation of this article. Because our intention is that regarding Article 8(a) we disagree to the word “innocent civilians,” and moreover we propose to delete Article 8(c) and to replace it by the Article 21(b) of the Geneva Agreement. So please rewrite: “And all military and civilian personnel of the parties should be released within two months simultaneously with the troop withdrawal.”

Now I propose this. Let us have a break to think about these two questions, and you can give us written formulations for these two questions, release of prisoners and military replacements.

Dr. Kissinger: We will maintain our position on 8(a) and (b) and give new formulation for 8(c) and for the last paragraph of 7.

[The meeting broke for lunch from 12:55–1:55 p.m.]

Dr. Kissinger: Are all of these gentlemen from your regular party, or have you brought in reinforcements from Hanoi? [Laughter]

Xuan Thuy: If there is such reinforcements you are not opposed, because it is not military reinforcements! [Laughter]

Dr. Kissinger: As long as they are the same type and with similar characteristics. [Laughter] Mr. Lord says we should have the right to look at the worn-out and damaged personnel they are replacing. [Laughter]

[Dr. Kissinger hands over a new second paragraph of Article 7, Tab B. Mr. Phuong translates it into Vietnamese.]

Dr. Kissinger: It replaces the second paragraph.

Mr. Phuong: [Rereads second paragraph, Article 7 in English] “It is understood, however, that war matériel, arms and munitions which have been destroyed, damaged, worn out or used up after the cessation of hostilities may be replaced on the basis of piece-for-piece of the same type and with similar characteristics.”

[Then reads new 8(c), Tab C]: “The question of other Vietnamese civilian personnel detained in South Vietnam and not covered by 8(a) above will be resolved by the South Vietnamese parties on the basis of the principles of Article 21(b) of the Agreement on the Cessation of Hostilities in Vietnam of July 20, 1954. They will do so in a spirit of national reconciliation and concord; with a view to ending hatred and enmity; in order to ease suffering and to reunite families. The two South Vietnamese parties will do their utmost to resolve this question within two months after the ceasefire comes into effect.”

Xuan Thuy: I feel that this amended Article 8(c) is no great difference from what it was before. Because if you want to speak of the innocent civilians you should also speak of the people captured for political reasons. All people who oppose the other side by military activities or political activities, all these people should be released. Moreover, the Democratic Republic of Vietnam and the United States are negotiating here with responsibility to work out the agreement with a view to ending the war and restoring peace in Vietnam. Therefore, we should not say that this question will be resolved by the South Vietnamese parties. Therefore we propose two formulas: The first to take the Geneva Agreement provisions, or if you want to mention about the innocent civilians, then there should be mentioned people also captured for their military activities or political activities.

Dr. Kissinger: I understand the proposal of the Minister. My difficulty is that until I have been in Saigon I really have no realistic judgment of what I will face there. Maybe one way of handling your problem is to delay our schedule by a week, to finish everything else, then meet here again next Wednesday, and by that time if there are any other points in Saigon I can take them up and then we would repeat the same process and I would arrive in Hanoi the following week. It would delay it only six days.

Xuan Thuy: Your trip to Saigon is your own affair. As to your trip to Hanoi, we have arranged for this trip. But how you will go there is another question we shall discuss, but our job now is to complete the text of the agreement. I propose that we set aside for the time being the question of replacement of weapons and the release of the prisoners. We shall review the agreement from the very beginning and we shall return to this discussion later. [Xuan Thuy and Mr. Hien confer.]

Dr. Kissinger: Does he have a right to participate in these discussions? I think he is a troublemaker.

Mr. Hien: Peacemaker!

Xuan Thuy: His name is Mr. Hien. In Vietnamese it means gentle, kind, sweet.

Dr. Kissinger: Unfortunately subtle.

Xuan Thuy: Let us begin now. Shall we read the first page?

Dr. Kissinger: Now we have this suggestion with respect to the first page. I told you that I do not know whether maybe Saigon would prefer to sign the agreement, and therefore, we have prepared a version which could be used for the four foreign ministers to sign the agreement rather than just the two. We would like to get your permission to explore this in Saigon and adopt whichever is more acceptable there. I had the impression from the Special Adviser that it made no difference to you. Or four could sign simultaneously.

Xuan Thuy: As far as we are concerned, primarily the agreement should be signed by the Democratic Republic of Vietnam and the United States foreign ministers. As to the agreement being signed by four foreign ministers, if this could be done it is good. If this could not be done it is all right.

Dr. Kissinger: This is why we want to propose the two possible texts; one when it is signed by two and the other if it is signed by four. The text you have, we have here.

Xuan Thuy: I thought that last time we have agreed on the Preamble. Now you want to change it.

Dr. Kissinger: No, if it is done by the two foreign ministers we want to add only one sentence. I don't think you will object to it. Before the last sentence it would say "with the concurrence of those other parties affected by this agreement," and then "have agreed on the following provisions." Otherwise it is acceptable. This is to take care of the Koreans. This is to take care of the Poles, the Hungarians. It is to take care of those.

Xuan Thuy: The first paragraph unchanged. The second one unchanged. The third unchanged.

Dr. Kissinger: Yes, except you always object when we say "South Vietnamese" and you say "South Vietnam." Yours just isn't grammatical in English. It just doesn't make any sense. In fact, "South Vietnam people" isn't a word. [Thuy and Hien confer.] I am sure Mr. Hien has a very subtle point. But we will accept it, but we will just say "South Vietnamese people."

The reason we want to say "concurrence" is because we have four members in the International Commission, we have Korean forces that have to be withdrawn, and similar things.

Xuan Thuy: For this sentence because it does involve Hungary or Poland.

Dr. Kissinger: It involves Hungary, Poland, Indonesia and Canada.

Xuan Thuy: Yes, for that reason I think that this sentence is not necessary, because this agreement is signed by our two sides. As to the member countries of the International Commission, after the signing of the agreement we shall invite them to participate in the International Commission of Control and Supervision or to participate in the international guarantee conference. Therefore we should keep . . .

Dr. Kissinger: Then how about the Koreans?

Xuan Thuy: As for the South Koreans, there have been provisions regarding them, "countries allied to the United States and to the Republic of Vietnam."

Dr. Kissinger: The Minister is terribly meticulous about his relations with his allies and but not terribly generous about our relations with

ours. I can't sign an agreement for the Koreans without asking them whether they want to carry it out. It isn't in your interest that we do that. But we can perhaps leave them out of the agreement, if you want.

Xuan Thuy: It is a new problem. We will let it aside.

Dr. Kissinger: Besides, the Special Adviser has told me that you have already approached Hungary and Poland.

Xuan Thuy: We have asked them, but it is another question. It is not a reason to add a new sentence. In the Geneva Agreements of 1962 and 1954 there was not such a sentence.

Dr. Kissinger: But maybe there were no parties affected by it that were not signing it. I don't understand.

Xuan Thuy: If it is a subject of your concern then you should put this idea in the first sentence "The Government of the United States with the concurrence of the Republic of Vietnam and other countries allied to the US participating in the Vietnam War."

Dr. Kissinger: But what is your objection to our formulation? I didn't think this was controversial.

Xuan Thuy: Because if your reason is that this agreement will affect the member countries of the International Commission, of the countries participating in the international guarantee conference, then this sentence should not be put here, because once the Democratic Republic of Vietnam and the United States have signed the agreement, then we shall invite the countries concerned to participate in the International Commission or the international guarantee conference. If your concern is about the South Korean troops in South Vietnam, then you should put this idea in the first paragraph saying that "the Government of the United States of America with the concurrence of the Government of the Republic of Vietnam and other countries allied to the United States and participating in the Vietnam War." It is to answer your proposal. But as to us we shall keep the Preamble.

Dr. Kissinger: Let me say two things: One, your solution here is not going to be possible, because if we list it "with the concurrence of the Republic of Vietnam and other countries allied to the Government of the United States" it makes us the principal party of the Vietnam war and lists the Government of Vietnam as only one of the countries allied to the US. That I think will be totally unacceptable in Saigon.

Xuan Thuy: Therefore you should keep the Preamble as it was.

Dr. Kissinger: Let us agree on this: We will keep the Preamble as it is. Our principal concern is the Koreans. If the Koreans insist on some form of formal association, we will have to come back to you and ask for some assistance on getting them associated.

Xuan Thuy: Please look at the article dealing with the troop withdrawal. It says "All United States and other foreign countries allied to the United States."

Dr. Kissinger: Yes, but it does not indicate that Korea has associated itself with this. This is a document signed by the United States and the Democratic Republic of Vietnam, and it gives the impression that we have the right to order Korean troops around the world.

Xuan Thuy: [Smiling] That is a fact.

Dr. Kissinger: It (A) isn't a fact, and (B) we won't record it that way in a document.

Xuan Thuy: So in this first page you wanted to add a new sentence that we consider to be unclear.

Dr. Kissinger: Well, we can make it clearer. We also want the option if four parties are to sign it that you consider this formula. Now if four parties are to sign it, then we will be prepared to add at the end of the first paragraph "with the concurrence of the other allies." Then it will be easy. Then we have no problem and then you can drop that sentence "with the concurrence."

Your colleague, Mr. Engel has some problems. [Dr. Kissinger and Mr. Engel discuss the problem and Dr. Kissinger explains.] If four parties sign, then we can say "the Government of the United States of America and the Government of the Republic of Vietnam, with the concurrence of the Governments allied with them." Then we can drop it down here [listing each side in a separate paragraph].

Xuan Thuy: Whether the four parties sign the agreement or not is another question. Let us set aside this question.

Dr. Kissinger: We cannot refuse Saigon the right to sign it if they want to sign it.

Xuan Thuy: If they want to sign.

Dr. Kissinger: Well, then if they want to sign it, then we need the right formulation, and in that case the proposal of concurrence is an easier formula.

Xuan Thuy: We have no objection to Saigon signing the agreement. We have to set aside this question.

Dr. Kissinger: But then the Preamble has to be changed.

Xuan Thuy: And let us set aside the case where the agreement may be signed by two sides only. If the two sides sign the agreement I propose to keep the Preamble as it is.

Dr. Kissinger: In that case we will have to find some formula for associating Korea to it. Let us explore the juridical means by which we can do it. Let us tentatively accept this text for two signatures and we will explore the means of associating Korea other than through the Preamble. But if we have difficulties you must let us come back to you and you will receive it with your usual good will. But we will try our best. We can do it through a note maybe.

Xuan Thuy: Let us approve then the Preamble and let us begin Chapter I and we shall go chapter by chapter.

Dr. Kissinger: All right.

Xuan Thuy: Chapter I, the Vietnamese People's Fundamental Right, National Right, Article 1: "The United States respects the independence, sovereignty, unity and territorial integrity of Vietnam as recognized by the 1954 Geneva Agreements on Vietnam." The only difference here is the English word "established" and "recognized."

Dr. Kissinger: I will accept "recognized." I have one suggestion for clarification: "As recognized by paragraph 12 of the Final Declaration of the 1954 Geneva Conference on Vietnam." We will be glad to add "drafted by Minister Xuan Thuy!"

"As recognized by Article 12." That is exactly what Article 12 says. Paragraph 12.

Xuan Thuy: You have agreed to the word "recognized".

Dr. Kissinger: Yes, but we just want to make clear to what it refers. We will accept "recognized" with this formulation.

Xuan Thuy: You refer to paragraph 12 of the Final Declaration. It deals with the whole of Indochina. But specifically for Vietnam is said in Article 7 of the Geneva Agreements.

Dr. Kissinger: But obviously since we are here recognizing only the territorial integrity of Vietnam, and since Article 12 mentions Vietnam, that is all we need for this purpose. We are not talking about Laos and Cambodia. We will say "the sovereignty, unity and territorial integrity of Vietnam as recognized by . . ." Paragraph 12 may have mentioned other things too, but that's not part of it.

Xuan Thuy: It is not necessary to add what you have proposed. The previous phrasing is already clear, adequate.

Dr. Kissinger: Well, you know we also thought "establish" was clear for us, and we accepted "recognized."

Xuan Thuy: So if you accept "recognized" there is no need to have anything else.

Dr. Kissinger: [Laughing] I would say if you would accept paragraph 12 there is no need to add "recognized." So I propose that we combine both of our views!

Xuan Thuy: I propose this: In your English text you can use the word "established" and in the Vietnamese text we will use "recognized."

Dr. Kissinger: No, that is a bad thing. We are doing that too often.

Xuan Thuy: I intended the old sentence, and now you want to add something to that. The sentence shall remain as it is.

Dr. Kissinger: I notice the Minister now addressing Mr. Engel directly. You have finally figured out the power structure in our delegation!

Xuan Thuy: I propose to maintain the sentence as it is.

Dr. Kissinger: As “established.”

Xuan Thuy: In the Vietnamese text we use the word meaning “recognize”, but in the English you can . . .

Dr. Kissinger: No, we have to have texts that conform. Because I have some nice sentences I would like to slip into the text! We will accept “as recognized,” but we hope you show us some understanding for some of our later problems. You can’t take the position that everything that is written down can’t be changed, because then we wouldn’t have to meet.

Xuan Thuy: Thank you for having accepted making a concession to me on what you have agreed to the other day.

Dr. Kissinger: No, “recognized” we had not agreed to.

Xuan Thuy: Let us go to Chapter II and we can have Chapter I typewritten.

Dr. Kissinger: We have a change for the sake of precision. In the second paragraph of Article 2 “in the same hour the United States will stop all its military activities against the territory of the Democratic Republic of Vietnam.” “Territory.”

Xuan Thuy: Only this word.

Dr. Kissinger: Only this word, for precision. And we would like to say “against the waters, etc., of North Vietnam,” rather than “of the DRV.” In English the Democratic Republic is a government and North Vietnam is a country.

Xuan Thuy: For my part I would like to add “at the same hour, the United States will stop all its military activities including reconnaissance activities, against the Democratic Republic of Vietnam.”

Dr. Kissinger: “Military activities” includes reconnaissance activities.

Xuan Thuy: Shall we put “including reconnaissance activities,” in brackets?

Dr. Kissinger: No, but I will say at the first press briefing publicly that we include reconnaissance activities in it. I assure you we will stop reconnaissance activities with this provision. You can write it in your protocol. You can take note of this. This is why we use the word “military activities.” And you can employ me when our generals run me out of the country!

Xuan Thuy: After the declaration of peace we have a great deal to do over here! I agree to add the word “territory,” but I would propose to add another word: “against the territory and the security of the DRV.”

Dr. Kissinger: It depends how you define your security. No, I think the only safe thing is to say "the territory," but if you want to keep the word "Democratic Republic of Vietnam" at the end that is not a big thing to us.

Xuan Thuy: There is no confusion possible if we keep "the Democratic Republic of Vietnam."

Dr. Kissinger: That is fine. I agree.

Xuan Thuy: All right. The last sentence of Article 2, "The complete cessation of hostilities mentioned in this article is durable and without the limit of time" in the English text. In the Vietnamese text it is "stable and durable ceasefire." The same meaning.

Dr. Kissinger: Why can't you say "without limit of time."

Xuan Thuy: It is literate only, because in Vietnamese if we say "without limit" it does not sound as well. "Lasting" is of equivalent meaning in Vietnamese.

Dr. Kissinger: Then why don't you write down the equivalent meaning?

Xuan Thuy: It is literary. It does not sound right. It is not the common language.

Dr. Kissinger: Well, "limit of time" I don't use it five times a day either in English.

Xuan Thuy: We have no objection to your using it.

Dr. Kissinger: Can you say instead of "durable", "permanent"?

Xuan Thuy: The Vietnamese word is an imported word, not a Vietnamese word.

Dr. Kissinger: There is nothing permanent in Vietnam?

Xuan Thuy: It is a foreign word imported to Vietnam.

Dr. Kissinger: From what language?

Xuan Thuy: From Han, from Chinese.

Dr. Kissinger: How about "definitive"? No, that doesn't give you the time. "Permanent" is the best word, but you can say "eternal" if that is the best word in Vietnamese! You don't have to use "without limit of time." You can say "indefinite duration," "unlimited," anything of that kind. "Unlimited duration."

Xuan Thuy: "Durable and long-lasting" is very clear in Vietnamese.

Dr. Kissinger: I am sure it is clear, but that is what worries us. I don't want the Minister to come to me ten days from now and say for us Vietnamese ten days is an eternity! In English "without limit of time" makes it perfectly clear that there is no limit to the ceasefire. "Durable" is a general hope.

Xuan Thuy: I think there is nothing to discuss about the words you use.

Dr. Kissinger: I like the Minister's method of negotiation. If there is nothing to be discussed, why did you raise it?

Xuan Thuy: The experts the other day exchanged their views and proposed that the Vietnamese will write in words right for the Vietnamese. In the English text you will use the word "durable and the limit of time."

Dr. Kissinger: That's the last time that Mr. Lord will be sent on negotiations. Let us record in the protocol the following: That the Vietnamese side is using Vietnamese words which they insist mean durable and without limit of time. They have the same meaning. I am just accepting your assurance of what the Vietnamese words mean.

Xuan Thuy: We can say that the English word and the Vietnamese word have the same meaning.

Dr. Kissinger: That leaves an ambiguity because it might mean that the English word is less extensive than "limit of time" means. We can accept your word on the basis that it is the equivalent of "permanent." In other words, the Vietnamese word means "permanent;" it is not that our word means what the Vietnamese word means. We will record that in the protocol.

Article 3. We accept the sentence which you suggested. The first sentence. It was your sentence. Mr. Lord had already accepted it last time and we have just confirmed his acceptance. The rest of paragraph 3 we have no suggestions. That is 3(a). On 3(b) I have a suggestion. In the first sentence we want to say "the armed forces associated with the two South Vietnamese parties."

Xuan Thuy: 3(a) deals with United States forces and other foreign countries forces allied to the United States and the Republic of Vietnam. 3(b) deals with the armed forces of the two South Vietnamese parties. It is clear.

Dr. Kissinger: Yes, but there are some forces associated with the South Vietnamese parties which are not listed in 3(a).

Xuan Thuy: So 3(a) is adequate. 3(b) deals with the two South Vietnamese parties.

Dr. Kissinger: I understand. But this puts no restrictions on some units that I mentioned to the Special Adviser on other occasions.

Xuan Thuy: I think that if this question is raised again then I think that settlement is impossible. Special Adviser Le Duc Tho has repeatedly said that all armed forces fighting in South Vietnam are under the command of the Government of the PRG, so Article 3(b) is explicit.

Dr. Kissinger: Let us put it aside for the time being and go through the rest of this article.

Xuan Thuy: Shall we read all the provisions again, or should we raise just the points we want to raise with you?

Dr. Kissinger: I think we should just raise the points we want to raise and then we can look at the texts when they get retyped.

Xuan Thuy: We have nothing to say about Article 4.

Dr. Kissinger: Where do we stand? We better read Article 3(b) again with this one proviso.

Xuan Thuy: [Reads Article 3(b)] "The armed forces of the two South Vietnamese parties shall remain in-place. The two party Joint Military Commission described in Article 12 shall determine the areas controlled by each party and the modalities of stationing."

Dr. Kissinger: We do have a change here. First, our text doesn't say "Joint Military Commission." We want to say "[controlled by] the armed forces of each party," because we are talking about military forces here.

Xuan Thuy: We have accepted that there are two administrations, two armies. Therefore if we use the word "party" here it is adequate.

Dr. Kissinger: Well, it depends what means of control they are going to claim.

Xuan Thuy: How they control, each party controls their areas.

Dr. Kissinger: Well, the whole paragraph deals with armed forces, so I withdraw it. I don't want the Minister to get over-confident. Otherwise we will have to unleash my friend Ambassador Porter. May I ask his explanation of why you call the two-party Commission a Military Commission and the four-power one just Joint Commission? Why is one a military commission and the other one isn't?

Xuan Thuy: If you want now to add the word "military" to the four-party we can do that.

Dr. Kissinger: I think they should have the same title. We will accept "military" for the two-party. People are going to ask us, so I think we should add "military" to both of them.

Xuan Thuy: I have made a concession now.

Dr. Kissinger: For too much. All right. Let us go on if there are any other changes. In 4(c) we want again to use the word "associated," but I won't make the argument again.

Xuan Thuy: So we have agreed on Article 3?

Dr. Kissinger: Article 3 is agreed with this one proviso about "associated." We'll come back to it. Article 4 is all right. Article 5 is all right.

Xuan Thuy: Article 5. In the last sentence you put "United States advisers to all paramilitary organizations." We propose to use the definite article to mean that every adviser of all nationalities.

Dr. Kissinger: We did that because you don't mention the Koreans in the Preamble!

Xuan Thuy: You wanted to use the word "United States" and then we add "Korean" here?

Dr. Kissinger: No, we should use the phrase “advisers from the same countries to all paramilitary organizations.” We agree to use “the United States and those countries associated to the United States.” But we will say “advisers to paramilitary organizations.” And the police force.

Xuan Thuy: “Advisers from the above-mentioned countries.”

Dr. Kissinger: Yes, “from the above-mentioned countries.” And we will record in the protocol that if the South Koreans will not leave it is the Minister’s fault.

Xuan Thuy [Laughs]: It is your fault because you want to keep the Koreans behind. But I always believe the Special Adviser Kissinger is unwilling to do that.

Dr. Kissinger: To leave them behind?

Xuan Thuy: No, it is your intention to keep them behind.

Dr. Kissinger: You will see. We will keep all our promises. We intend to carry out this agreement with great meticulousness.

Xuan Thuy: I believe that. Article 6 now.

Dr. Kissinger: Article 6. That is agreeable to us.

Xuan Thuy: Article 7. No problem there?

Dr. Kissinger: Article 7, I think the Minister accepted the language he drafted for the Laos Agreement. Ten years from now, when the Minister is negotiating with my brother he will be quoting from this agreement with him! We will leave Article 7 aside.

Xuan Thuy: We leave Article 7 aside. Article 8 aside.

Dr. Kissinger: Yes. Article 8 aside. We go to Article 9. Because I want to get to the International Control Commission which interests me so much. I know it is also a subject that the Special Adviser is especially interested in. Okay. Article 9.

Xuan Thuy: The exercise of the South Vietnamese People’s Right of Self-determination.

Dr. Kissinger: Except for the fact that you want to say “South Vietnam people” and we want to say “South Vietnamese”—if you want to keep that consistent, we have no trouble through 9(f). What are we at?

Xuan Thuy: Now the first sentence of paragraph (f) reads: “Immediately after the ceasefire the two South Vietnamese parties shall hold consultations in a spirit of national reconciliation and concord, mutual respect and mutual non-elimination to set up an administrative structure called the National Council of National Reconciliation and Concord of three equal segments.” Now after the word “to set up” I would like to add “to set up within fifteen days an administrative structure.”

Dr. Kissinger: No. No, that isn’t agreed. We never agreed on that.

Xuan Thuy: The reason is that the paragraph begins “immediately after the ceasefire.” It shows our desire that the formation of such Council will be prompt.

Dr. Kissinger: No, what should be prompt is the consultations.

Xuan Thuy: If the two parties should hold consultations immediately to set up the Council and the Council has the task to see to the implementation of the signing by the three parties, therefore the Council should be very promptly formed. If it is not promptly formed then how can the Council carry out its task?

Dr. Kissinger: That is a very good question. I have no objection to the formation of the Council in five days if the parties can agree on it. But it was never discussed, and it was always understood that they had three months to conclude those negotiations. That was the whole basis for our agreement. There is no possible basis for accepting that it should be set up within fifteen days unless the two parties agree. I have no objection to that.

Xuan Thuy: How many days do you want then?

Dr. Kissinger: I don’t want any days. As far as I am concerned this is a matter between the two parties and they shall discuss it in the spirit discussed here.

Xuan Thuy: But first you want the international guarantee conference to be convened within thirty days, then there should be the International Commission and the National Council of National Reconciliation and Concord to be set up very promptly to have this done with the international guarantee conference.

Dr. Kissinger: Those are two completely separate things. The guarantee conference we were told has nothing to do with the domestic affairs of South Vietnam. Above all I don’t think this is the purpose of this meeting. This would have been a very interesting discussion last week.

Xuan Thuy: There is no change at all. What we are discussing now is to make it more concrete and clear. Now you say the two South Vietnamese parties have the responsibility to implement the signed agreement and then there should be a structure called the Council of National Reconciliation and Concord who sees to the implementation of the signed agreement. Then there should be an International Commission of Control and Supervision and an International Guarantee Conference. So all these bodies are related to each other.

Dr. Kissinger: They are not related, because the various commissions as well as the guarantees apply to the military provisions. The only other thing the international group controls are the elections, which will not happen until the Council for National Reconciliation and Concord has been formed. All other domestic affairs, political

affairs, have by your own request been put outside the province of the International Commission.

Secondly, I know I can find it in the protocol, when the Special Adviser himself proposed his plan of October 8 he pointed out that to get the National Council composed—then it was called the National Administration of National Concord—it would require many weeks and therefore we should not hold up the agreement for it. I agreed with the Special Adviser and therefore I thought his proposal was very significant. Therefore I am afraid we cannot even consider this addition.

Xuan Thuy: My intention is to promptly have this Council set up so that it may see to the implementation of the signed agreements, but if you feel it disagreeable then we can keep it aside for the time being.

Dr. Kissinger: All right, let us keep it aside for the time being.

Xuan Thuy: I propose that in the last sentence, “the two South Vietnamese parties shall sign an agreement on these and other internal matters of South Vietnam as soon as possible,” I propose that we delete the word “these and other.” So the sentence would read “the two South Vietnamese would sign an agreement on the internal matters of South Vietnam as soon as possible.” Because when we speak of internal matters of South Vietnam it includes all matters already.

Dr. Kissinger: I accept that. But when I do it without a struggle I think then the Minister believes he hasn’t really done his duty, that maybe there is something wrong with his proposal and he should withdraw it! [Thuy laughs.]

Xuan Thuy: Now the last part of the sentence, after the word “effect,” I would like to add “in keeping with the South Vietnamese people’s aspirations for peace, independence and democracy.” It is in your own sentence, your proposal of October 8.

Dr. Kissinger: 1964! [Laughter] I accept it. The Minister is catching me at a time when jet lag has caught up with me. I will accept this, too. The Special Adviser won’t believe it when he reads in the protocol how easily everything has been agreed to. Earlier this would have been worth at least three private meetings.

Xuan Thuy: I shall write a letter to Special Adviser Le Duc Tho about that. Mr. Kissinger has a lot of good will.

Dr. Kissinger: Now let us get to paragraph 9(g) and see what the Minister’s good will is. We are withdrawing the last sentence that we sent you [“Until the definitive settlement . . . the existing authorities will continue to administer the areas they control including the conduct of foreign affairs.”]. But we do maintain the other sentence about the general elections [“The offices for which these elections are to be held and their timing are to be determined by consultation between the South Vietnamese parties.”]. The one on general elections. And that

was drawn from your own text. I sent the Minister two messages on that subject. [They confer at length. Ambassador Sullivan confers with Dr. Kissinger.] My associate tells me that the Minister's good will is more protracted than mine, in operation.

Xuan Thuy: Regarding the general elections.

Dr. Kissinger: It was in your own text.

Xuan Thuy: I propose the following sentence, changing the word "offices" to "institutions." "The institutions for which the general elections are to be held will be decided through negotiations by the South Vietnamese parties in the National Council of National Reconciliation and Concord. The general elections will be held not later than six months after the ceasefire."

Dr. Kissinger: [Laughs] That is not quite what we had in mind. I don't think it quite catches our meaning, Mr. Minister, I am sure a point which has not completely escaped him.

Xuan Thuy: So you add one sentence and we add another to make it clearer! [Laughter] Moreover, the six-month period for the general elections is what you had in your proposal.

Dr. Kissinger: Mr. Minister, that was in a completely different context and that was before we set aside the political issues. Since in your own proposal it was made absolutely clear that the National Council of National Reconciliation and Concord would organize the general elections as agreed upon by the South Vietnam parties and decide the procedures and modalities of these elections. So it is obvious that the function of the National Council is to decide the procedures of the elections once agreed, and to organize them, but not to agree on their nature. We simply want to go back to your own proposal of October 12 and make a separate sentence of it. You are now completely changing the meaning of your own proposal.

Xuan Thuy: We agree that which office, which institution will be elected, is a question decided by the Council through negotiation and consultation.

Dr. Kissinger: No, you are agreeing with yourself, not with me. I accept the phrase "institutions" instead of "offices." Your previous draft and all our discussions it was made clear that it is the two parties which decide. In your draft of October 12 it is obvious that what the National Council of National Reconciliation and Concord does is organize the elections, decide the procedures and modalities, but the two South Vietnamese parties will agree on their nature. So this is a phrase that was in your draft—which you wanted in paragraph 9(b) and which was struck out inadvertently—which we are now reinstituting. It is not anything new. Indeed, you brought it to the experts meeting.

Xuan Thuy: What I meant is that the general elections are to be held 6 months after the signing of the agreement, but what institution,

what office, these elections will elect is a question to be decided by the parties.

Dr. Kissinger: No, but that is a new idea. The way we could express it is, instead of making a new sentence we could say "After the two South Vietnamese parties have decided on the institutions for which the elections are to be held, the National Council of Reconciliation and Concord will organize," etc. [They confer.] That is to substitute for these sentences.

Xuan Thuy: I propose the following for paragraph 9(g). Beginning as we have written "The National Council of National Reconciliation and Concord has the task of promoting . . ." down to "and ensuring of democratic liberties," then we maintain the sentence as we have written. "The National Council of National Reconciliation and Concord will organize the free and democratic general elections provided for in Article 9(b) and decide the procedures and modalities of these elections." We would add the following sentence: "The institution for which the general elections are to be held will be decided through negotiations by the two South Vietnamese parties." Again, "the institutions for which the general elections are to be held will be agreed upon through consultation by the two South Vietnamese parties."

Dr. Kissinger: Which may mean for a President or a National Assembly. It is not necessarily a constitutional change. It means whatever the two parties agree.

Xuan Thuy: We do not know what they agree on, but it depends upon the consultation of the South Vietnamese.

Dr. Kissinger: "Will be agreed."

Mr. Phuong: "The institutions . . . will be decided through consultation by the two South Vietnamese parties."

Xuan Thuy: So we have accepted the proposal you made in your message. But not the sentence you have amended. But here we would like to use the word "institutions."

Dr. Kissinger: [Copies it out, confers with Sullivan]: He is my Hien. He has a feel for nuance.

Ambassador Sullivan: I'm also very gentle.

Xuan Thuy: So we have agreed upon that. So what about the 6 month period of holding the general elections?

Dr. Kissinger: We have not agreed on that. Let us leave it to the parties, because they will be meeting in a spirit of concord and reconciliation.

Xuan Thuy: Previously you said you wanted these general elections to be held very rapidly. You proposed 6 months, then 5 months.

Dr. Kissinger: No, but that was in a completely different context, in a different set of plans which had many other aspects. I appreciate

your consideration and good will with respect to that, but we would offend the Special Adviser if we departed in his absence from the theory he advanced last time in his proposal.

The only concern we have, given the elegant minds which I am confronting, is when we talk about the local elections we say "The parties will agree upon . . .", and when we talk about the general elections we say "the parties will decide." So I would say let us say "will be agreed upon through consultations between the two South Vietnamese parties." It is just to make it consistent.

Xuan Thuy: I agree with you on that.

Dr. Kissinger: I know why the Minister is doing it. He is eager to get to the International Control part.

Mr. Phuong: So I read again the sentence: After "the modalities of these elections," we say: "The institutions for which the general elections are to be held will be agreed upon through consultations between the two South Vietnamese parties."

Xuan Thuy: For the following sentence of this paragraph you have written "such local elections as the two South Vietnamese parties may agree upon." I propose to delete the word "may."

Dr. Kissinger: All right. I should make the Minister argue more.

Xuan Thuy: Now the sentence you have proposed to put at the end of paragraph (g) I have accepted.

Dr. Kissinger: Well, now we have withdrawn it.

Xuan Thuy: But I accepted it. How can you withdraw it?

Dr. Kissinger: I withdrew it before you expressed an opinion about it. I showed the Minister's telegram to the President and he then withdrew it. [Laughter]

Xuan Thuy: We propose the sentence—if you keep the sentence then we will propose the following, to be clearer: "Until the definitive settlement provided for in Article 9(b), the Provisional Revolutionary Government of the Republic of South Vietnam and the Government of the Republic of Vietnam will continue to administer the areas under their control and maintain their respective existing diplomatic relations that are not at variance with the provisions of this agreement." Your idea is a very good one, and we have redrafted the sentence to make it clearer.

Dr. Kissinger: But I think we recognize that the Special Adviser was correct in his original draft, so that we should not raise this issue now. I have made a great concession to you to show my serious intent by withdrawing that sentence.

Xuan Thuy: After receiving your message I informed immediately Special Adviser Le Duc Tho, and he informed me that he completely agreed to your ideas. He accepted it.

Dr. Kissinger: I think we better drop this idea. We may have to disappoint the Special Adviser.

Xuan Thuy: Mr. Le Duc Tho phoned me to say it is a good idea from Dr. Kissinger, he looks forward very far.

Dr. Kissinger: From Peking?

Xuan Thuy: Yes, from Peking.

Dr. Kissinger: He must stay in a guest house that has a telephone! Whenever I am in a guest house they take all the telephones out. But that is because they never let me outside the grounds where I am staying. So we drop that sentence, but you will tell Special Adviser Le Duc Tho that I appreciate his consideration. Tell him he made the sentence too concrete.

Xuan Thuy: But you withdraw now your own ideas that are very good.

Dr. Kissinger: It is a concession to you and now you owe me another concession.

Xuan Thuy: To catch it up I shall add another sentence after!

Dr. Kissinger: We shall consider that. We will let you add a sentence to the International Control Commission, making it five and operating by majority. [Laughter]

Xuan Thuy: No problem for 9(h).

Dr. Kissinger: That is fine with us. We accept.

Xuan Thuy: Regarding 9(i), you have proposed to add a sentence: "respect the military provision of 1954 Geneva Agreements on Vietnam." We agree to add the word "military", to say "military provisions" but we would like to detail the military provisions and write "respect the military provisions of the 1954 Geneva Agreements on Vietnam which prohibit the joining of a military alliance or military bloc, the maintenance by foreign countries of military bases, troops, advisers or military personnel on its territory."

Dr. Kissinger: We can accept that, unless in military personnel it includes military attachés. So if you just say "it will not allow foreign powers to maintain military bases, troops or military advisers on its territory," that takes care of everything.

Xuan Thuy: Yes, we use the word military personnel here with the understanding excluding the military attaché at the Embassy.

Dr. Kissinger: All right. Can you then read the English sentence to me again?

Mr. Phuon: "South Vietnam will pursue a foreign policy of peace and independence. It will respect the military provisions of the 1954 Geneva Agreements on Vietnam which prohibit the joining of a military alliance or military bloc, the maintenance by foreign powers of military

bases, troops, military advisers and military personnel on this territory. South Vietnam will establish relations with all countries . . .”

Dr. Kissinger: Let me ask you this question. What do you mean by “South Vietnam” here? Is that after the elections?

Xuan Thuy: South Vietnam after the ceasefire.

Dr. Kissinger: How does this differ then from the last paragraph of Chapter V, Article 10? And why shouldn’t we put that there? It is essentially the same provision. Why don’t we move this provision to the end of the other one. I don’t object to the words but it is almost the same thing.

Xuan Thuy: There is a difference here. In 9(i) it deals with South Vietnam. But before the general elections in South Vietnam there are two administrations, two armies. Both administrations and armies should pursue a foreign policy of peace, independence and neutrality. But you don’t want to use the word “neutrality”; you wanted to replace the word “neutrality” by “respect of the provisions of the Geneva Agreement of 1954.” Then we propose to write the military provisions in detail, but in Chapter V it deals for the whole of Vietnam, both North and South Vietnam.

Dr. Kissinger: I notice the Minister has put the prohibition of foreign military forces into every article of this agreement. I think he has a slight concern with that problem.

Xuan Thuy: Article 9(i) deals with the foreign policy of South Vietnam, but the last paragraph of Article 10 deals with both North and South Vietnam.

Dr. Kissinger: All right. I understand it and agree.

Xuan Thuy: Now another word, you have put “South Vietnam will maintain relations.” We add “it will maintain and establish.”

Dr. Kissinger: That we cannot say. That is interference in their domestic affairs.

Xuan Thuy: [laughs] But when you say “maintain” you interfere in their international affairs.

Dr. Kissinger: I will be prepared to drop the sentence, which would be the best solution.

Xuan Thuy: We should not delete it because it deals with the foreign policy of South Vietnam.

Dr. Kissinger: I have one consolation, Mr. Minister. When I arrive in Saigon I will have to go through the long painful process again with another group of people whose minds, unfortunately, are exactly like yours.

Xuan Thuy: I don’t know why each time I agree with you on something you retract from your agreement.

Dr. Kissinger: What have you agreed with? The problem for us is “establish.” We cannot command them to do something they are not now doing.

Xuan Thuy: So I accept your word “maintain” and drop the word “establish.”

Dr. Kissinger: OK. And then we added the first paragraph of 7 minus the word “definitive.” We have agreed on that. Let us not talk about it.

Xuan Thuy: Agreed.

Dr. Kissinger: Good.

Xuan Thuy: I agree very rapidly. Now let us talk about Chapter 5. No problem about Chapter 5.

Dr. Kissinger: What is your definition of no problem? That means he sneaked in something!

Xuan Thuy: Agreed by the two sides.

Dr. Kissinger: How about the phrase “between the two zones.”?

Xuan Thuy: I agree. In the first part, “the military demarcation line.”

Dr. Kissinger: You agree to take it out? We want to take it out in the next paragraph too, because it was a typing error and it would put Miss Derus in a terrible position if it stayed.

Xuan Thuy: If you wanted to delete in the first paragraph then we agree to your proposal.

Dr. Kissinger: You mean if we delete it in the first paragraph you will agree to our proposal, you will delete the second one too?

Xuan Thuy: I repeat, in the first paragraph of Article 10 the word “between the two zones” will be deleted. In the second paragraph we leave as it is without any deletion.

Dr. Kissinger: I understand, but then as Mr. Lord told you on Thursday or Friday, whenever you met, it was put in by mistake. It will just create unnecessary difficulties. We are talking about North and South Vietnam. We accept the content. By putting in the word “zones” we are just creating unnecessary problems. I admit we made a mistake, but at the speed at which we operate, it is inevitable that such mistakes occur.

Xuan Thuy: Because “on the basis of discussion and agreement,” the agreement between whom?

Dr. Kissinger: You can say “between North and South Vietnam.” Or “between the parties.”

Xuan Thuy: “Between North and South Vietnam.”

Dr. Kissinger: Yes, that is fine. You just saved Miss Derus’ job.

Xuan Thuy: I have nothing to say about the third paragraph and the last paragraph of Article 10.

Dr. Kissinger: The only concern I have about it, and I won't press it, is "pending reunification." It implies that after reunification they can join a military alliance! Let us leave it alone. It won't happen before the election!

Xuan Thuy: If you interpret the provisions in accordance with your philosophic attitudes.

Dr. Kissinger: I will be a professor when it happens!

Xuan Thuy: Now Chapter VI. [Laughter]

Dr. Kissinger: You're the only man here who knows what this chapter means.

Xuan Thuy: I have a feeling that the experts on two sides have worked very well the other day. Therefore, I have no need to add anything.

Dr. Kissinger: Really?

Xuan Thuy: But you have also brought no amendment at all.

Dr. Kissinger: None, really, except the ones I have given you, the ones I sent you. I have a few changes for clarity which are very easy. I have really very few changes. For example, in the first paragraph where we say "shall form a four-party Joint Commission," we would now have to say "Military Commission," and we would like to say "shall designate representatives to form a four-party Joint Military Commission." It is really done for clarity.

Xuan Thuy: Do you intend to put a time limit for the formation of the Joint Commission?

Dr. Kissinger: That is a good point. Yes, it should be formed immediately.

Xuan Thuy: Shall we add "immediately designate."?

Dr. Kissinger: "Shall immediately designate." Yes, that is a very fruitful suggestion. "Immediately", I am assuming has the same meaning in Vietnamese!

Xuan Thuy: In some places English and Vietnamese have the same meaning, but in others there are some differences. There are many English words if we translate them by the exact meaning of English word they are not understandable by Vietnamese.

Dr. Kissinger: My impression is, dealing with the Minister and his colleagues, that Vietnamese is a very subtle language that expresses many nuances you can't express in English. I am serious. That is my impression.

Xuan Thuy: Yes, a Vietnamese word can have many meanings. The exact meaning is figurative. And the Vietnamese is a musical language, too.

Dr. Kissinger: All right, next paragraph. Just a wording change. "Allied to," that's "allied with." And of course where you speak of

“the forces of the Provisional Revolutionary Government,” we prefer to say “associated with the Provisional Revolutionary Government,” but I don’t think you will accept it here in this section either, so we will have to reserve it. I don’t want to . . .

Xuan Thuy: Yes, you are right, we will not accept it, so you have foreseen my stand.

Dr. Kissinger: And then in the next paragraph, it is “allied with,” not “allied to.” May we, if we find many “allied to’s” substitute “allied with,” if I don’t call it to your attention? Wherever it says “allied to,” in case we have missed one, we will say “allied with.”

Xuan Thuy: So we have agreed on up to page 12.

Dr. Kissinger: Except on “associated with,” which we will take care of later. I know you don’t accept it. I know the Minister hasn’t accepted it yet, but maybe in another hour or two, when he has a better chance to look at it . . .

Xuan Thuy: Even when you return to it I will not accept it. I have raised this question many times so you shouldn’t raise it again.

Dr. Kissinger: Well, let us reserve it to the end. Now next page. Is there some problem about Article 7? We are talking about page 13 now.

Xuan Thuy: We will examine it. I feel that Article 7 should not be written here because it has been written in Article 12. [Ambassador Sullivan confers with Dr. Kissinger.]

Dr. Kissinger: Don’t mind Mr. Sullivan, he doesn’t understand this problem. You’re right. I agree with you. If my colleagues can bear with me, there was a diplomatic problem in the 19th century of which someone said only three people understood it: One was dead, one was insane, and the man who said this was the third, and he had forgotten it. I think that is going to be our problem here. All right, we will move Article 7 to Article 12, I mean we will move the supervision of Article 7 to Article 12.

Xuan Thuy: Regarding Article 8, we agree to the mention of Article 8 here, but the wording as written we have not agreed.

Dr. Kissinger: No, that depends on what we come up with.

Xuan Thuy: Article (b), you mention that disagreements should be referred to the International Commission of Control and Supervision. We propose that the following sentence be added: “The four-party Joint Commission may request the assistance and cooperation of the International Commission of Control and Supervision.”

Dr. Kissinger: By unanimous vote? We went through that last time, Mr. Minister. That doesn’t make any sense. The Special Adviser accepted this sentence last time, and I explained to him why it doesn’t make any sense. If they disagree they are not going to agree on requesting the assistance.

Xuan Thuy: Or shall we write in the following manner: "In case of divergences the four-party Joint Commission may consult the International Commission of Control and Supervision."?

Dr. Kissinger: But how does it do it? By unanimous vote?

Xuan Thuy: If the International Commission realizes that divergences arise in the parties, then the International Commission may raise the question and the Joint Commission may take into account what the International Commission raises and take necessary measures. So in case of divergences then the four-party Joint Commission may refer divergences or consult the International Commission. No need to have unanimous decision.

Dr. Kissinger: That is exactly what we say. That is the exact meaning of what we are saying.

Xuan Thuy: But we use the word "consult."

Dr. Kissinger: Disagreement on what?

Mr. Phuong: In case of divergences the Joint Commission may consult the International Commission.

Dr. Kissinger: How does that differ from what I am saying here?

Xuan Thuy: In your version you use the word "refer to." In Vietnamese it means that once there is divergence automatically this should be referred to the International Commission, but here in case of divergence either party may ask the views of the International Commission and the International Commission will give its view and the parties take into account the views of the International Commission. The difference is that your wording of "refer to" in Vietnamese language it means that it is referred to a superior organ. In Vietnamese [our wording] means that the Joint Commission and the International Commission are equal.

Dr. Kissinger: That is what it implies in English. It is almost impossible to convince the American people as it is that this chapter has any operational significance. But in your formulations it is impossible to describe how it is going to work much less what it can accomplish. We already have a provision there that the International Commission of Control and Supervision, at least for an interim period, will report to the two South Vietnamese parties. So since then the parties refer it to the International Commission which then refers it back to the Joint Commission which is the two parties, which will refer it to the International Commission—which operates on the principle of unanimity!

Xuan Thuy: First the International Commission should respect the sovereignty of the parties of Vietnam.

Dr. Kissinger: Well, we have got that in there somewhere.

Xuan Thuy: Secondly the four-party Joint Commission should work in a spirit to put up with each other. If they have no such spirit then

any provision can't make them agree. But if you use the word "refer to" with the meaning that the International Commission should respect or should not infringe on the sovereignty of Vietnam, and the meaning that the Joint Commission and the International Commission are equal and not that the International Commission is at a higher level than the Joint Commission, then with this understanding we may accept the word "refer to."

Dr. Kissinger: Well, I don't want to get into a metaphysical discussion with the Minister of what is a higher level of an institution that operates on the principle of unanimity and reports back to the parties that are involved. I would like to say the dangers you fear are not likely to be realized. Fears of excessive activity infringing on the sovereignty of the DRV by an International Commission operating by unanimity and containing two countries of the socialist bloc—this is not the most dire threat that the DRV faces. So I think we understand each other and I think we should let the sentence stand. It will certainly be carried out in the spirit of respect for sovereignty. As I told the Special Adviser last time, my personal opinion is that the observation of this agreement depends less on this machinery and much more on the relationship that you and we are able to establish after the war. If both you and we develop a stake in our good relations—which is certainly our firm intention—then each time an action is taken we look at it from this point of view. If we don't develop this, as you have fully proved, the international machinery will not operate, to put it mildly, with full effectiveness.

Xuan Thuy: With this understanding, and with the perspective of the good development of the relationship between the Democratic Republic of Vietnam and the United States, I agree to your formulation.

Dr. Kissinger: We appreciate it very much.

Xuan Thuy: Article 11(c).

Dr. Kissinger: No, (b) we have just finished.

Xuan Thuy: 11(c). You have put 11(c): "The four-party Joint Commission shall begin operating after the signing of this agreement . . ."

Dr. Kissinger: We should say "immediately after the signing of this agreement."

Xuan Thuy: ". . . and end its activities after implementation of Articles 2, 3, 5 and 6 of this agreement." We propose the following: "The four-party Joint Commission shall begin operating immediately after the signing of this agreement and end its activities after the implementation of Article 3 and the first paragraph of Article 2 . . ." I will read again: "The four-party Joint Commission shall begin operating after the signing of this agreement and end its activities after the implementation of the first paragraph of Article 2, Article 3, Article 5, Article 6 and Article 8 has been completed."

Dr. Kissinger: All of Article 2. Well, the first paragraph of Article 2 is fine with me.

Xuan Thuy: Dealing with ceasefire in South Vietnam and the second paragraph of Article 2 dealing with the bombing of North Vietnam.

Dr. Kissinger: In other words, you want all of Article 2.

Xuan Thuy: The first paragraph of Article 2 because it is a four-party Joint Commission.

Dr. Kissinger: So what you want is “an end to its activities after the implementation of the first paragraph of the Article 2.” Article 3(a) is really what you mean. Paragraph 3(a), all of Articles 5, 6 and 8.

Xuan Thuy: All of Article 3.

Dr. Kissinger: But Article 3 deals also with the two parties. I think you are wrong. Articles 3(b) and (c) should come under the two-party Joint Military Commission. (b) and (c) deal with the relation of the two South Vietnamese parties with each other.

Xuan Thuy: 3(a) deals with United States forces and other foreign forces.

Dr. Kissinger: That is right. 3(a) should be under the four-power Commission.

Xuan Thuy: (c) refers to the work of the four-party Joint Commission. (b) belongs to the two-party.

Dr. Kissinger: All right, then let us say paragraph 3(a) and (c). Just be specific. The first paragraph of Article 2, Articles 3(a) and (c), Articles 5, 6, and 8, and that way we are precise. All right.

Xuan Thuy: All right.

Dr. Kissinger: Now may I ask the meaning of (d), “The four parties shall agree on the organization of the four-party Joint Commission.” You are going to do that at Avenue Kleber?

Xuan Thuy: This will be decided after the ceasefire.

Dr. Kissinger: But how can you form a Commission when they don’t have working procedures?

Xuan Thuy: We will do the signing, then the four-power Commission.

Dr. Kissinger: On the one hand, we say the four-power Commission should operate immediately. On the other, say they have to work out the procedures.

Xuan Thuy: It was what we had done in Geneva Agreements in 1954. They decided the ceasefire and the ceasefire was observed and the Joint Commission would operate afterward.

Dr. Kissinger: Shall we say “shall agree immediately?” I want to see, it will take at least that much to get Ambassador Porter and the Minister to proceed.

Xuan Thuy: "Shall promptly agree."

Dr. Kissinger: "Shall agree promptly." All right.

Xuan Thuy: Article 12.

Dr. Kissinger: Mr. Lord wants to know whether in Vietnamese "promptly" occurs before "immediately," because if it doesn't the four-power Commission will be operating before it has its procedures! All right, let us go on. Maybe we could agree on using the word "immediately" in both places, so that we don't have to explain the difference between "promptly" and "immediately."

Article 12. I think the only man in this room who understands this is your new associate at your left. He must be a professor of Canon Law.

On the top of page 14, Article 12, we would like to say "shall immediately designate representatives." The same as we did with the four-party Joint Military Commission.

Xuan Thuy: Yes. We propose "shall designate representatives to form immediately," as before.

Dr. Kissinger: It makes more sense in English to say "shall immediately designate," because that is what forms the Commission. I will be glad to discuss it for a few minutes. If we spent the time we devote to this chapter to the settlement of Cambodia we would settle that before the ceasefire!

Xuan Thuy: Article 12. There is mention of Article 7 and Article 9 here.

Dr. Kissinger: We have to mention 3(b) here, and the first paragraph of 2, which applies also.

Xuan Thuy: As we said before.

Dr. Kissinger: No, before we said 3(a) and (c) for the four-power Commission. The first paragraph of Article 2 applies to everybody. Then 3(b) and then Article 7, Article 8 and Article 9(h), as I agreed with the Special Adviser.

Xuan Thuy: We propose to delete Article 8 here.

Dr. Kissinger: Well, you put it in at the experts meeting. Well, it depends. If you accept our Article 8(c) then it has to come here.

Xuan Thuy: We have not solved the question of Article 8 yet.

Dr. Kissinger: That's right, so let's leave it open.

Xuan Thuy: I propose to drop this Article 8 in connection with the two-party Joint Commission.

Dr. Kissinger: Why don't we wait until we decide on it?

Xuan Thuy: How do you understand Article 8?

Dr. Kissinger: I know you have not accepted it, but if Article 8(c) retains something like its present form then it should be under the two-power Commission.

Xuan Thuy: We have not agreed to the Article 8(c). We have not accepted Article 8(a) because of the word “innocent civilians,” therefore we propose to drop Article 8(a). Therefore we propose no mention of Article 8 here.

Dr. Kissinger: That depends how we decide it.

Xuan Thuy: We shall discuss Article 8 later.

Dr. Kissinger: All right, let us put it aside until we have decided Article 8. I have no fixed view on it. It is even conceivable that we decide on the basis of our proposal of 8(c) to have some special supervision for it. Let's put it aside for the moment. This will solve itself automatically when we solve Article 8. This is not a problem of principle.

Xuan Thuy: Yes, we agree to keep it aside. You have not mentioned 3(c) yet. Should we mention it?

Dr. Kissinger: Yes. You are right. Although it is hard to see how something can be under both the four and the two-power Commissions. But you can put down “3(c) after the four-power Commission has ceased its functions.” That is also true of the first paragraph of Article 2. There is no sense having concurrent jurisdiction of two Commissions which overlap.

Xuan Thuy: Article 2 covers the two-party Joint Commission as well as the four-party Joint Commission at the beginning.

Dr. Kissinger: But as long as the four-power Commission exists, those things that are for all four should be put in the four-power Commission. There is no point in having both the two-party and the four-party Commission deal with the same provisions.

Xuan Thuy: What regards the two parties then the two-party Joint Commission will deal with it. What regards the four-party then the four-party Joint Commission will deal with it.

Dr. Kissinger: That is right, but there are some that overlap. For example the ceasefire at first is between the four parties. But then the four-power Commission will stop operating and then those provisions should be assumed by the two-party Commission.

Xuan Thuy: After two months of the troop withdrawal, the four-party Joint Commission will end its activities, and after that the two-party Joint Commission will continue the work left by the four-party Joint Commission.

Dr. Kissinger: That's exactly my point.

Xuan Thuy: But at the first stage there are problems which regard the four-party Joint Commission but also at the same time in the first phase there will also be problems which regard the two-party Joint Commission.

Dr. Kissinger: I agree, and therefore Article 3(b) which concerns the ceasefire among the South Vietnamese parties should be under the

two-party Joint Commission. Article 7 should be from the beginning under the two-party Commission. Article 9(h) should be also. And after the four-power Commission ceases, all of its functions that still have to be carried out go to the two-power Commission, but the two-power Commission will begin functioning at the same time as the four-power Commission. That is our conception.

Xuan Thuy: We agree. Let us have a little break.

Dr. Kissinger: That is exactly my idea. Now, we have a time problem. We absolutely must leave tonight. We cannot possibly stay over because our schedule in Saigon is already set. It has already been announced and we must be at the airport by 10:30.

It is just for us to keep in mind.

Xuan Thuy: Let us make an effort to work rapidly.

Dr. Kissinger: Someone once said he arrived at Saigon to a 21-gun salute, all aimed at him! [Laughter]

[There was a break from 5:52–6:30 p.m. There follow excerpts from the Minister's informal conversation with Dr. Kissinger during the break.]

Dr. Kissinger: The first possibility is we reach an agreement here. The second possibility is that we cannot reach agreement. The third possibility is that there will be some difficulties which cannot be overcome in one week. We have three days now. In that case—I am just giving you contingency plans—in that case I would have to let you know that I will come back in one week or six days or five days. These are the three possibilities I perceive. But what we want to do is to stick to our work program, and the better, the more satisfactory a proposal we have the better it will be.

Xuan Thuy: So far as I know, in Hanoi they have made arrangements for the possibility of reaching an agreement and the possibility of not reaching an agreement. And therefore personally speaking I should like to greet you here because I have great respect for you.

Dr. Kissinger: That's mutual.

Xuan Thuy: But if we can't reach agreement today and as you propose we meet again on Wednesday, this is one question I have to ask Hanoi.

Dr. Kissinger: Of course and it very probably may not be necessary. I am just trying to think of every possibility. You mean tomorrow? I meant next week. [Thuy nods] I must in any event leave today. But one possibility would be to come back Wednesday, have another meeting, go again to Saigon, stay in Saigon one day this time and go from Saigon to Hanoi. So the delay would be five or six days. But this is not our preference; our preference is to finish today, finish in Saigon and do what we have agreed. This is not a proposal. Of course if we

have an enormous obstacle in Saigon then we would have to consider what we'll do for the next three weeks. But let us finish our document. At any rate, what we have agreed to we will maintain. So then the next questions are tactical questions.

Xuan Thuy: But I am afraid that if we can't agree today then it would be difficult to meet you again this week or next week. I agree with you that we should endeavor to complete the document today. Shall we resume?

[The formal meeting then resumed.]

Dr. Kissinger: Are we finished with Article 12?

Xuan Thuy: Regarding the sentence of disagreement, we shall settle this question as we have done with the four-party Joint Commission.

Dr. Kissinger: Okay, good. With the same understanding. Can we substitute the word "immediately" for the word "promptly"? We just don't want to have to explain what the difference between the two words is.

Xuan Thuy: All right.

Dr. Kissinger: It has, as far as I can tell, no significance unless they appear in the same sentence.

Xuan Thuy: Agreed.

Dr. Kissinger: Article 13, could we say "At the same time that this agreement is signed an International Commission of Control shall be established"?

Xuan Thuy: After the signing of the agreement, the International Commission of Control and Supervision shall be immediately set up.

Dr. Kissinger: Okay. Can we say "established" instead of "set up"? Then the Ambassador can leak to newspapers that he drafted the document! "After the signing of this agreement . . ." [Colonel Guay enters. Dr. Kissinger confers briefly with him and then Colonel Guay leaves.] We are now committed. You cannot settle everything in the next half hour, Mr. Minister, because we have sent our drivers away. We've sent him to get our bags and then we'll go from here straight to the airport. Article 13(b), right?

Xuan Thuy: We propose another sentence: "The relationship between the International Commission of Control and Supervision and the international conference mentioned in Article 14 hereunder will be determined on a later date."

Dr. Kissinger: Say that again.

Mr. Phuong: "The relationship between the International Commission of Control and Supervision with the international conference mentioned in Article 14 hereunder will be determined on a later date."

Dr. Kissinger: At what later date?

Xuan Thuy: It means that after the formation of the International Commission and the convening of the international conference, then they will discuss and establish their relationship.

Dr. Kissinger: Well, that's what we have: "Until the international conference makes definitive arrangements," and so forth.

Xuan Thuy: We propose to add after the end of the first paragraph of 13(b), we propose to add the following sentence: "The relationship between the International Commission of Control and Supervision and the international conference mentioned in Article 14 hereunder will be decided at a later date."

Dr. Kissinger: Why don't we say "will be decided by the conference"?

Xuan Thuy: But the international conference is not yet convened. We should let the international conference discuss and take a decision.

Dr. Kissinger: That's why we say "will be decided by the conference"—it can't be decided until it's convened.

Xuan Thuy: I agree.

Dr. Kissinger: Okay, now can you read the paragraph to me so that I am sure we understand each other?

Xuan Thuy: "Until the international guarantee conference makes definitive arrangements the International Commission will report to the four parties for control and supervision."

Dr. Kissinger: Now what's your sentence? Did he want to add a sentence to this?

Xuan Thuy: I agree to your proposal.

Dr. Kissinger: It stays as it is.

Xuan Thuy: Yes. We agree.

Dr. Kissinger: All right. Now, could I fix something here which we think is pure English: "Shall report to the four parties to this agreement on matters concerning control and supervision of the implementation of the following provisions . . ."

Xuan Thuy: But you propose the four parties to the agreement which signed the agreement. It is not yet decided—only two parties sign the agreement.

Dr. Kissinger: Oh, "to the four parties"—you are right, we will take out "to this agreement." We will just add "on matters concerning."

Xuan Thuy: We propose to delete Article 7 mentioned in Article 13(b), because these questions concern the two South Vietnamese parties which we can mention in Article 13(c). But in any case, it is the International Commission which controls this matter.

Dr. Kissinger: Yes, I agree. Put it under 13(c).

Xuan Thuy: Article 8, we put it aside for the moment.

Dr. Kissinger: Now, in order to save time, we are making the reports to the four powers consistent with those matters that are under the four-power Commission, and the reports to the two-powers consistent with those matters under the two-power Commission.

Now what is your conception of this four-power role? Will that continue after the four-power Commission has ended?

Xuan Thuy: The four-party Joint Commission will end its responsibilities after two months, but the role of the four powers will remain.

Dr. Kissinger: [interrupting above sentence] I resent that the Minister is talking only to Engel now. You think he is a descendant of Marx's associate?

Yes, I understand. That's how we interpret it also.

Xuan Thuy: Regarding Article 13(b), the last paragraph of page 15. The article, this paragraph should be, we propose "The International Commission of Control and Supervision will form international control teams for carrying out its task. These teams will be established and carry out its activities with the concurrence of the four parties. The four parties will facilitate the activities of these teams."

Dr. Kissinger: This is the God-damnedest thing I have ever heard. I am just trying to clear my mind. First, the four parties have their own teams in the four-party Joint Commission, so there's a veto there. Then there's an international commission that also operates on the basis of unanimity, whose actions can be vetoed by any one of the parties. And then after it has taken these actions it reports to the parties that it is controlling. Did I understand the operation of that perfectly?

Xuan Thuy: The difference between your formulation and ours is that . . . The first sentence in the two versions coincide.

Dr. Kissinger: Yes.

Xuan Thuy: The difference is that if you write "the control teams will operate with the concurrence of the parties," it would mean that the International Commission may establish its teams wherever it likes, and this will constitute an encroachment on the sovereignty of the parties. Therefore we propose that "the control teams will be established and will carry out its activities with the concurrence of the parties." And "the parties will facilitate the activities of the teams."

Dr. Kissinger: Well, I would have thought that the formation of the teams should be not subject to the concurrence of the parties. Their operation, I understand, should be.

Xuan Thuy: The Commission is free to form the control teams, but where the team is located, how the team will operate, it should have obtained the concurrence of the parties. So if you accept our proposal then it would meet the explanations we have given you.

Dr. Kissinger: Yes, but “establish” in English means the same as formation. You are talking about the location of these teams. When we say “established” we mean the formation of the teams.

Xuan Thuy: Shall we put now that “the location of the team and the operation of the team shall be done with the concurrence of the parties”? And “the International Commission of Control and Supervision shall form control teams for carrying out these tasks?”

Dr. Kissinger: Shall we say “The four parties shall agree on the location and operation of these teams, shall agree immediately on the location and operation of these teams.” “The four parties shall agree immediately on the location and operation of these teams.” And then “The parties will facilitate their operation.”

Xuan Thuy: Agreed.

Dr. Kissinger: Good, fine. Next paragraph, 13(c).

Xuan Thuy: We agree as to the first sentence.

Dr. Kissinger: Right, 13(c).

Xuan Thuy: The end of paragraph (c) will be amended as we have agreed before.

Dr. Kissinger: Now just a minute. Your gentle Mr. Hien sometimes has a different conception of what was agreed on. Could you read it to me? It will end exactly like paragraph 13(b)? You’re dropping “at the request of the parties.” [They nod yes.] Thank you, I agree.

Then we put the same sentence here, “The two South Vietnamese parties shall agree immediately . . .” the same sentence on the location and operation of these teams. It’s the same as we had with the four-power teams.

Xuan Thuy: Right.

Dr. Kissinger: I have a profound point to suggest. I would like to list the countries alphabetically, which would make it Canada, Hungary, Indonesia and Poland.

Xuan Thuy: We will follow the alphabet of the Vietnamese language.

Dr. Kissinger: [Laughs] How is that? Does it differ?

Xuan Thuy: Poland, Canada, Hungary, Indonesia.

Mr. Engel: [to Dr. Kissinger] Poland is spelled with a “B” in Vietnamese.

Dr. Kissinger: That’s fine.

Xuan Thuy: We have two proposals in this connection. We agree to the composition of the . . . We agree to Article (c), no problem.

Dr. Kissinger: On (e), “the principle of respect for the sovereignty of Vietnam.” Can we say, “the sovereignty of the parties”? After unification this whole system is going to end anyway. Until unification it

doesn't make any sense to say "with respect for the sovereignty of Vietnam." "Of the Vietnamese parties," or for "the sovereignty of South Vietnam."

Xuan Thuy: "Of the Vietnamese parties."

Dr. Kissinger: Then the question is who are the Vietnamese parties? Why don't we say "in accordance with the principle of respect for sovereignty." Then we don't have to say of whom, because then we don't get into the juridical question of whether the two parties in South Vietnam are sovereign.

Xuan Thuy: "Sovereignty of the parties concerned"?

Dr. Kissinger: If you want to say "of the sovereignty of North and South Vietnam."

Xuan Thuy: "Of the parties concerned."

Dr. Kissinger: Why don't we just say "In accordance with the principle of respect for sovereignty"? Then we can argue later. There will be fourteen nations that can argue this later.

Xuan Thuy: Agreed.

Dr. Kissinger: Good.

Xuan Thuy: (f).

Dr. Kissinger: (f), yes. We've made a concession to you. We've accepted your unanimity principle.

Xuan Thuy: I agree to you and thank you.

Dr. Kissinger: The Polish member will feel very happy. It will be like the Polish parliament used to be.

Xuan Thuy: (g). Have you anything to say about (g) and (h)?

Dr. Kissinger: Yes, I want to eliminate the word "definitive." I want to say, "at the request of the government formed after the general elections provided by Article 9(b)." That's consistent with what we've done elsewhere.

Now with respect to paragraph (h). Ambassador Sullivan points out to me that in other conferences the members of the conferences have sometimes borne some of the expense of the international machinery. Shall we say "The four parties shall make recommendations to the conference"? Let's hold a minute, I have to consult my expert here.

What is your intention? Are you prepared to pay for this control machinery? Given the enthusiasm you have shown, I am certain.

Xuan Thuy: But the International Commission shall be immediately established . . .

Dr. Kissinger: I agree. All right, let us say "Until the international conference makes definitive arrangements, the four parties shall agree . . ." "Until the international conference makes definitive arrangements . . ." It's the same formula.

Xuan Thuy: The paragraph (h) coincides in both the American text and the Vietnamese text. Let us keep it.

Dr. Kissinger: Yes, but Mr. Sullivan is one of the world's greatest experts on control machinery, and I had pointed out to the Special Adviser and to the Minister that this was a subject that had not grabbed my undivided attention in the past. And it's been pointed out to me that since the conference makes definitive arrangements about everything else why not let them make definitive arrangements about this afterward?

Xuan Thuy: We have proposed that the four parties shall agree on the organization, activities and expenditures of the International Commission. As to the relationship between the International Commission and the international conference, then it will be considered on a later date.

Dr. Kissinger: Well, can we say this, then: "The four parties will agree immediately on . . ." and "These arrangements will be reviewed by the international conference."

Xuan Thuy: No need to have this sentence. When the International Conference will be convened, then we shall discuss this question.

Dr. Kissinger: That's what we want to have in there. We want to have in there that the arrangements will be discussed by this conference.

Xuan Thuy: Because the International Commission is related to the four parties, the means of action will be supplied by the four parties, the expenditures will be supplied by the four parties.

Dr. Kissinger: Are you going to pay half of it?

Xuan Thuy: The four parties will agree on that.

Dr. Kissinger: Yes, but then the end result of that may be that this Commission will never be set up because then one party can veto it.

Xuan Thuy: The International Commission should be formed immediately. You have put in the word "immediately" and we have agreed to that. Because if the International Commission cannot be established, then no need to put your sentence, because the international conference will not have to review the agreement on the organization of the Commission.

Dr. Kissinger: No, the sentence I prefer is "Until the international guarantee conference makes the arrangements . . ." That way if it cannot be set up in the first month it will be set up immediately afterward. We will be the laughing stock of any expert in the field if we make an agreement to a Commission that, first, has to be set up by the parties, the parties can veto its operation, the parties control its budget—and we call it an international commission.

Xuan Thuy: I have not understood your views. Because when we agree to something here we should think that we will respect the agreed provisions.

Dr. Kissinger: I have told you all along that on this subject I was not as familiar with the details as on other subjects. Our clause says: "Until the International Guarantee Conference makes definitive arrangements . . ." There is no doubt in my mind that the guarantee conference will confirm these arrangements when it exists, but we want to establish some relationship between the Commission and the conference.

Xuan Thuy: This is a sentence we have agreed to previously. Now I would like to maintain this sentence without any change.

As to Article 14, we have put here "The parties to the international conference will acknowledge the signed agreement," not "review the agreement." As to the relationship between the International Commission and the international conference, this will be discussed on a later date, but not now.

Dr. Kissinger: I agree with this. That I have no problem with. All we are trying to say in 13(h) is what we have said in 13(b) and 13(c). That does not prejudice the possibility . . . That does not establish any particular relationship.

Xuan Thuy: We shall discuss this question at the international conference.

Dr. Kissinger: Well, that's all I want put down. Give me any sentence that says this. I mean it's very difficult to ask countries to participate in a machinery in which they have no opportunity to express their views at all. The only place where they have a chance to express their views is in the conference.

Xuan Thuy: I think that this sentence you are proposing is not necessary. And at the international conference they can say what they like.

Dr. Kissinger: Well, they can say what they like but it won't get them anywhere.

Xuan Thuy: Moreover, the countries participating in the International Commission will also participate in the international conference.

Dr. Kissinger: That's exactly why we would like to have it discussed there. That is their opportunity to discuss it. That's exactly our reason for wanting it discussed there.

Xuan Thuy: Then you can put this sentence, that "the relationship between the International Commission and the international conference will be determined on a later date."

Dr. Kissinger: "Will be determined by the conference." That's all right—I'll accept that sentence.

Xuan Thuy: In my view, no sentence is necessary here, but as you like it we can add the sentence. "The relationship between the

International Commission on Control and Supervision and the international guarantee conference will be determined on a later date.”

Dr. Kissinger: “By the conference.”

Xuan Thuy: “Will be determined on a later date.”

Dr. Kissinger: No, we have to say by whom. He agreed earlier “by the conference.”

Xuan Thuy: If you [*don't*]² want the sentence, then let's drop it.

Dr. Kissinger: Drop (h) altogether?

Xuan Thuy: Drop the proposed sentence.

Dr. Kissinger: It is very difficult for us, it's impossible for us, to go to a self-respecting country and ask it to participate in an international machinery in the formation of which it has absolutely no voice. The price we pay for this speed is that occasionally a sentence slips through all our reviews without being caught.

Xuan Thuy: Here I think that it is two different bodies. The International Commission is established by the four parties and not by the international conference. Since it is established by the four parties, all the means of activity of the Commission, all the organization of the Commission, will be supplied by the four parties.

Dr. Kissinger: I understand this, but after the international conference meets it should review these arrangements.

Xuan Thuy: The International Commission [conference] has no right to do this. They should not decide this. Well, we will leave this question aside and the US and the DRV will discuss it later.

Dr. Kissinger: But when?

Xuan Thuy: It is to be considered as one point on which we have not agreed.

Dr. Kissinger: Well, we can do that for the time being but we have to decide how we shall handle disagreed points.

Xuan Thuy: Let us see Article 14. I agree to your view on Article 14.

Dr. Kissinger: Thank you. Can you read it to me just to make sure?

Xuan Thuy: I have not finished. As to the international conference, the last part of this article, I agree to the composition of the international conference, but I would like to add India.

Dr. Kissinger: [Laughs] Then we will add Japan.

Xuan Thuy: India has been the chairman of the International Control Commission. We have proposed India to the new International Commission but you disagreed to that, but I think that we should let India participate in the international conference. But Japan is quite

² The bracketed word was supplied by the editor.

different from India. Japan invaded Vietnam and aroused strong feeling among the Vietnamese. It is different from India.

Dr. Kissinger: Well, but India is simply not acceptable to us. You can tell this to the Indians. We don't object to your telling them that we vetoed this.

Xuan Thuy: What are your reasons to reject India?

Dr. Kissinger: Well, if you read the public statements of the Indian Prime Minister you will understand. They have taken a consistently negative position to us. Nor have they any organic relationship to Vietnam.

Xuan Thuy: But when Mrs. Gandhi makes a statement, it is just like any other Prime Minister who makes a statement. But India has been chairman of the International Control Commission. We have made a concession to you to not put India in the Commission.

Dr. Kissinger: You can put India in the Commission as one of your nominees; we have no objection to having India as one of your nominees. We object to India as a chairman. And that way if you nominate India it can participate. So under these conditions if you want to eliminate Poland or Hungary, then India can come to the conference.

Xuan Thuy: So you disagree to the participation of India in the international conference.

Dr. Kissinger: Yes, we will be glad to tell them that ourselves.

Xuan Thuy: We agree to your composition. Verbally. We agree to each other verbally, to the composition of the Commission, but we have not agreed to put it in the agreement yet.

Dr. Kissinger: How about the thirty days?

Xuan Thuy: Agreed.

Dr. Kissinger: As I understand the Minister, he's agreed to the composition of the conference verbally, but he reserves toward India in writing.

Xuan Thuy: So you have disagreed to the participation of India in the international conference?

Dr. Kissinger: That is correct.

Xuan Thuy: But we should set aside this question on India. I agree to the present composition, but we should not yet write into the agreement the present composition because we have to approach these countries. After they agree to participate, then we shall put their names in.

Dr. Kissinger: Let me just understand what we are saying. You have agreed to this composition subject only to their agreement to participate, but before the agreement is signed we shall write them all in.

Xuan Thuy: Before the signing.

Dr. Kissinger: Can't we say now "The following countries will be invited to participate in this international conference"?

Xuan Thuy: For the time being we should not draft the names of these countries. Before the signing then we shall put them in.

Dr. Kissinger: Well, who's going to approach them? It is understood that once we've agreed we will approach them. No one will see the text until we've signed it.

Xuan Thuy: If now we write the name of the countries in, it will create complications.

Dr. Kissinger: Why?

Xuan Thuy: Because we have to approach them. If they disagree and they come to know that their name has been put in . . .

Dr. Kissinger: Well, they're bound to know their name was put in if they're approached. The only way you can avoid having them know their name was put in is if they're not approached, and if they're not approached we won't have a conference.

Xuan Thuy: So both sides can have an understanding to take note of these countries but not to publish them.

Dr. Kissinger: But what does "taking note" mean?

Xuan Thuy: We agree to that but we do not put the names of these countries now.

Dr. Kissinger: But I simply fail to understand the reasoning. If we put the names down then we accept them. If they agree then it will be published in the agreement. If they don't agree then we have a problem and we shall discuss it. But if we don't write the names down, then what have we accomplished? If we just keep it in mind, then what happens?

Xuan Thuy: If you want to write the name of a country in a separate paper between us, we agree to that. After this you approach the countries you presented, we approach the countries we presented. Those who agree we shall let each other know.

Dr. Kissinger: But I don't get it. No one is going to see this document whether we write it between us or in this document. Until it's signed it's not an official document anyway.

Xuan Thuy: We leave this paragraph aside for the moment.

Dr. Kissinger: All right.

Xuan Thuy: Chapter VII, with regard to Cambodia and Laos.

Dr. Kissinger: We have no changes.

Xuan Thuy: Neither do I. [Laughs] Now, in Chapter VIII, we agree to the chapter except for one word. After the first sentence you write "In pursuance of its traditional policy, the United States . . ." I propose

to delete “In pursuance of its traditional policy” and the sentence will begin “The United States will contribute . . .”

Dr. Kissinger: We can’t do that. This is going further than we can really go. It’s a statement of fact; we’ve done that after every war.

Xuan Thuy: Why not put, after the first sentence, “In this spirit the United States will contribute to . . .”

Dr. Kissinger: No, we have to say “in pursuance of its traditional policy.” This is absolutely the maximum we can do here. We should really not put anything in the agreement.

Xuan Thuy: I will delete the word “traditional.”

Dr. Kissinger: No, you can delete the word “policy.” [Laughter] “In pursuance of its tradition.” I am terribly sorry, but on this issue—which is already very emotional in America—we will already be very severely criticized.

Xuan Thuy: But it is also a very emotional word for the Vietnamese too. When they read that, it is a great emotion for them.

Dr. Kissinger: Why is it an emotion why we do it? Our motives are irrelevant. The operative sentence for the Vietnamese is that “The United States will contribute . . .” I told the Special Adviser on many occasions that I could not put anything into the agreement that refers to this, and this is the absolute maximum that we can do.

Xuan Thuy: We propose that we do not want to say anything after that. To make the relationship between the US and DRV better afterward, we should make the two peoples understand each other.

Dr. Kissinger: I don’t understand it. Will you say it again?

Xuan Thuy: I like to say that to make the relationship between the Democratic Republic of Vietnam and the United States better and better, then we should make the Vietnamese people and the American people understand each other.

Dr. Kissinger: I agree with that.

Xuan Thuy: And when the Vietnamese people read the word “traditional,” then they have the emotions in the opposite direction as to the American people. Words you disagree to—we have agreed to change them.

Dr. Kissinger: We can delete the whole sentence. [Laughter]

Xuan Thuy: We want to propose the problem again. We consider that we have not reached agreement on this question. We leave it aside for the moment.

Dr. Kissinger: All right. I have an amazing comment to make to the Minister. I now have a comment on paragraph 18, even though I accepted it last time. I would like to delete the French version. I don’t see why we need a French version. We don’t have one yet, and it will

delay us even more. Just the English and Vietnamese version. It's an anti-colonialist proposal! [Laughter]

Xuan Thuy: The Vietnamese and English are official and authentic; the French text is used for a working document. Now we use "the Vietnamese and English text are official."

Dr. Kissinger: We can do it maybe after the signing. That's all right. If there's no time pressure, we agree to it. Shall we say "subsequently a French text will be prepared for reference"? In other words, we say "done in Vietnamese and English . . . equally authentic. Subsequently a French text will be prepared for reference."

Xuan Thuy: Agreed.

Dr. Kissinger: Good.

Xuan Thuy: "It will be"—regarding Article 18—"It will be strictly implemented by all the parties concerned." We would like to list the specific names here: "By the Government of the DRV, the Government of the US, the Government of the PRG, and the Government of the Republic of Vietnam."

Dr. Kissinger: But then all four will have to sign it. How about my friends the South Koreans—do they have to implement it?

Xuan Thuy: They have to.

Dr. Kissinger: I think we are better off with the phrase "by the parties concerned." They are mentioned in every paragraph. It's not a big issue of principle for us.

Xuan Thuy: I want it to be clearer. But if you want it, it's okay with me.

Dr. Kissinger: So we leave it out?

Xuan Thuy: Yes.

Dr. Kissinger: All right, we leave it out. It was one of our most eloquent paragraphs. [Laughter]

[There was a short working break from 8:10–8:20 p.m.]

Xuan Thuy: Let us resume.

Now let us return to the two major questions, the question of the return of the prisoners and the question of the replacement of armaments.

Dr. Kissinger: Exactly.

Xuan Thuy: So what are your views on Chapter III, Article 8?

Dr. Kissinger: Well, we have given you the paragraph which we think is possible [Tab C]. And we would add to it that after we have been in Saigon we will give you the number of prisoners that will be released without any discussion, and a promise of a maximum influence by the United States to realize Article 21(b).

Xuan Thuy: I am afraid that if you keep your formulation on Article 8(a) then we do not reach an agreement, if you stick to the word “innocent civilians.” Unless you add the civilian detainees captured for political reasons. And if you disagree with that, then we repeat the Article of the Geneva Agreement.

Dr. Kissinger: 21(b).

Xuan Thuy: I have read the proposal to you. That is to say “The return of all people of the parties captured and detained for their participation in any form in the political and armed struggle of the parties shall be carried out simultaneously with and completed at the same time as the troop withdrawal mentioned in Article 5.”

Dr. Kissinger: Well, it is absolutely impossible, I know, to get Saigon to agree to this article on the schedule we have arranged—and probably on any other schedule that I can foresee. It’s a fact that we are facing. Now if you want to avoid the word, we are trying to find a formulation to avoid the word “innocent civilians,” which I can understand is a difficult word for you because it implies that civilians detained are guilty. So that’s what we are trying to find now. [Dr. Kissinger confers with Ambassador Sullivan, Lord and Negroponte.] Well, if you want to avoid the word “innocent civilians,” if you want to say “non-Vietnamese civilians” [in (a)], then we cover all Vietnamese civilians under Article 8(c). That was our intent. And then we could say in 8(c), “the question of Vietnamese civilian personnel.”

It’s a very difficult problem. But until we’ve been in Saigon we can’t go further than we have.

Mr. Phuong: “Non-Vietnamese”—it is a little confused. It is not clear.

Dr. Kissinger: You want to say “foreign civilians”?

Xuan Thuy: If you separate 8(a) from 8(c), then it would be discrimination, because in our view all military personnel, civilian personnel captured during the war because of their opposition to one or the other side should be released within two months.

Dr. Kissinger: I know your view.

Xuan Thuy: If, as you have done, people covered by 8(a) will be returned and people covered by 8(c) are not returned within two months but it is subject to consultation between the two South Vietnamese parties. Therefore, we still feel that the provision in the Geneva Agreement is in general terms and conforms to the situation.

Dr. Kissinger: Well, how shall we proceed then? Because we cannot go further today than we have.

Xuan Thuy: We have discussed two major questions related to each other, the question of release of prisoners and the question of replacement of weapons. We have agreed on the return of military

personnel. Regarding the civilian detainees, you have understood our feelings and the importance of this subject for the Vietnamese people.

Dr. Kissinger: Yes, very well, and I sympathize with your feelings.

Xuan Thuy: Therefore we propose to maintain the provisions of the Geneva Agreement regarding the release of civilian detainees. If so, we would propose one sentence for the replacement of weapons. It is the following: "On the principle of equality and for the purpose of maintaining peace and not for offensive objectives, the two South Vietnamese parties will be permitted to carry out periodical replacements of weapons, munitions, and war material damaged and worn out after the ceasefire on the principle of piece-for-piece and same characteristics and properties, under the supervision of the Joint Military Commission of the two South Vietnamese parties and of the International Commission of Control and Supervision."

Dr. Kissinger: Well, "On the principle of equality" I don't quite understand. I don't object to the phrase "for the purpose of maintaining peace and not for offensive objectives." Can you read it to me again, Mr. Phuong?

Mr. Phuong: "On the principle of equality and for the purpose of maintaining peace and not for offensive objectives, the two South Vietnamese parties will be permitted to carry out periodical replacements of weapons, munitions, and war material damaged and worn out after the ceasefire on the principle of piece-for-piece and same characteristics and properties, under the supervision of the Joint Military Commission of the two South Vietnamese parties and of the International Commission of Control and Supervision."

Dr. Kissinger: We can't accept the first phrase because it's ambiguous—"on the principle of equality." But the rest, if we can put it in better English.

Xuan Thuy: And if you agree to write down the Article 21(b) of the Geneva Agreement, then we would agree to put this sentence and we would agree to delete the question the word "the principle of equality"—or to use "spirit of equality."

Dr. Kissinger: [Laughs] No, it would have to be deleted. We have a very realistic problem on 21(b). It doesn't make any difference what we put down here. We must have consultation in Saigon on this subject. If we put it down here and there's no possibility of its being realized and it leads to a repetition of 1968, what purpose is served? We have achieved so much already now in our negotiations. We're so close to an agreement that certainly we will solve the outstanding questions. So we must not get so impatient that we jeopardize what has already been achieved. We have not had a chance to present any of this in Saigon except in the most general way. We do not know what the

reaction will be, but we do not expect it to be enthusiastic. Now if we add clauses that are totally unacceptable, we trigger a repetition of 1968.

So you and we have a common interest now to proceed as rapidly as possible but also in a manner that achieves our objective. And therefore it is not ill will on our part. On the issue of prisoners we really understand you better than on many of the disputes that we have had. We know what an anguishing problem it is for you, and there are many things we can do practically over a period of time. But it's senseless for us to write something down that we cannot quickly implement.

What I can do is, after our consultations in Saigon I can let you know with some assurance what there is a chance of getting accepted. We have done this with great speed and with total secrecy. And this is where our dilemma now arises.

Xuan Thuy: You have understood what difficulty we have . . .

Dr. Kissinger: Very well.

Xuan Thuy: And we, we understood you.

Dr. Kissinger: Well, how shall we leave it then?

Xuan Thuy: What about your writing a sentence "in the spirit of Article 21(b) of the Geneva Agreement," without mentioning the Article 21(b).

Dr. Kissinger: Where would you put this? That in principle sounds all right, but I want to know where.

Xuan Thuy: In place of Article 8(a).

Dr. Kissinger: What would you say?

Xuan Thuy: "The return of all people of the parties captured and detained for their participation in any form in the political and armed struggle for their parties shall be carried out simultaneously with and completed on the same day as the troop withdrawal mentioned in Article 5." Without mentioning that this is excerpted from anywhere.

Dr. Kissinger: Two problems we have with this remain. One is, it links release of our prisoners to release of prisoners in South Vietnam, and secondly, the practical problem is that I don't know whether the South Vietnamese will agree to it. And my estimate is that they will not.

Xuan Thuy: So I propose that we put aside these two questions, release of prisoners and the question of replacement of weapons, and you will go to Hanoi as scheduled and you will meet our leaders there and I believe that we can reach agreement, a satisfactory settlement. Because in any case you have to exchange views with the Saigon people. So I propose we shall finish all the settlement on our other problems and leave behind these two questions.

Dr. Kissinger: But I must say this. For us to go to Hanoi is a matter of very great consequence. To go to Hanoi with two of the most

important issues not settled is a matter that—and if they are then not settled while I am in Hanoi—would have very bad consequences. In that case I would suggest the following: That after I have been in Saigon and have obtained their views on the prisoners and other matters, that the Special Adviser and Minister and I meet again—maybe in Vientiane, so that you don't have to travel so far—that we then settle the issue, and that the visit to Hanoi be after we have a final document. Because it is neither in your interest nor in our interest to have a visit to Hanoi which is not certain to lead to an agreement.

Xuan Thuy: Shall we discuss the other matters and leave aside these two problems?

Dr. Kissinger: Well, let's discuss the other matters and leave aside these two problems, and if we can't settle them I will urgently request instructions from the President and be in touch with you tomorrow.

Xuan Thuy: Shall we discuss the remaining matters?

Dr. Kissinger: All right. What issues do you think are unsettled?

Xuan Thuy: Chapter II, Article 3(b).

Dr. Kissinger: "Associated with."

Xuan Thuy: I disagree to your word "associated."

Dr. Kissinger: Well, let's set it aside again and let's go through the others. [Thuy laughs.] What else?

Xuan Thuy: There is this question of "set up within fifteen days an administrative structure called the National Council of National Reconciliation and Concord."

Dr. Kissinger: Yes, well that we can't possibly accept. I mean, that was never in any draft we have seen. It is totally inconsistent with the rest of the discussion. I thought the Minister withdrew it.

Xuan Thuy: How about a six-months period?

Dr. Kissinger: We can't accept any time period, other than the three months period. These are both totally new ideas.

Xuan Thuy: Article 9(g), the last sentence.

Dr. Kissinger: No, no, we've withdrawn that.

Xuan Thuy: We propose to keep the sentence back.

Dr. Kissinger: No, no, we withdrew it. Your telegram was so convincing that we withdrew it. I offered that before you said anything.

Xuan Thuy: On international conference, (h).

Dr. Kissinger: Well, you see the problem with (h) is, Mr. Minister, that you have so many opportunities to hamstring this Commission that if you already set it up in such a way that it has unanimity, if you are determined it doesn't operate, you can find ways of doing it. But for us to agree to something that is so patently unworkable and will expose us to so much ridicule in America—that is simply impossible.

All we are asking for is your own sentence, that the relationship to the conference will be established by the conference. You will be at the conference, your friends will be at the conference—I do not believe that you will be very reluctant to express your views.

Xuan Thuy: We agree to that “the relationship will be decided on a later date.”

Dr. Kissinger: No, not “at a later date.” “By the conference.”

Xuan Thuy: The conference has no right to decide it.

Dr. Kissinger: No, no, that’s what we have to discuss; that’s where we disagree.

Xuan Thuy: Because the four parties agree on the organization of the International Commission. And if the international guarantee conference decides on this question it is not logical. And for the time being we don’t know yet what the international conference will do. Now we have written that the international conference will acknowledge the signed agreement guaranteeing the end of the war, maintaining peace.

Dr. Kissinger: Well, these are all functions in which the Commission is involved.

Xuan Thuy: The International Commission has its own task of controlling and supervising these questions. Now we don’t affirm that the International Commission has no relation at all with the international conference, nor do we say that how the relationship between these two bodies will be, but we say that the relationship will be decided later.

Dr. Kissinger: But by whom? We are not saying what the relationship shall be. We are not saying anything other than that the conference will establish it, I mean the relationship will be determined by the conference. If the conference decides there should be no relationship, that is a possible outcome.

Xuan Thuy: So we put this question aside.

Dr. Kissinger: All right. How about the countries of the conference?

Xuan Thuy: We would like to leave the names of the countries to afterward, but if you like to mention it we should write that we propose to invite these countries.

Dr. Kissinger: “The following parties will be invited to participate.”

Xuan Thuy: Countries or parties?

Dr. Kissinger: Parties.

Xuan Thuy: How will you write the sentence?

Dr. Kissinger: “The following parties will be invited to participate in the international conference.”

Xuan Thuy: We propose the following: "The Democratic Republic of Vietnam and the United States will propose that the following parties participate in the conference."

Dr. Kissinger: Well, you've already agreed to the first paragraph? "The parties agree to the convening of an international conference within thirty days of the signing of this agreement."

Xuan Thuy: Agreed. And then it reads "The Democratic Republic of Vietnam and the United States will propose the following parties to participate in the international conference."

Dr. Kissinger: Now if this is signed by four parties we'll have to adjust it. Oh no, that's all right, we'll leave it. We'll accept it. It's what you've said; it's just better English. "That they participate."

Xuan Thuy: So you do not accept the time limits of six months and fifteen days? I agree not to put it in the agreement, but we still feel it necessary to have a time limit to these questions.

Dr. Kissinger: Well, it was never discussed in any of the previous sessions.

Xuan Thuy: But there are many questions that you have not raised previously and you are raising them.

Dr. Kissinger: But not of such a fundamental importance. The basis for our discussions previously was that . . . the reason we made such rapid progress last week was because the Special Adviser said in effect he was accepting the framework of our May 8 proposal. And it was never raised last week. We hadn't even . . .

Xuan Thuy: I think that Special Adviser Le Duc Tho never said that he accepted the proposal in the framework of the May 8 proposal.

Dr. Kissinger: I think if you look at the protocol of October 8, that is what he said, and he therefore accepted my proposal that there be a three-month interval between the political solution and the military solution.

Xuan Thuy: I would like to say that "all internal affairs, matters of South Vietnam, should be resolved within three months, but the major questions should be settled first and the remaining questions will be gradually resolved within the time period."

Dr. Kissinger: Well, I have no objection to this. I'm just saying it has never been discussed before.

Xuan Thuy: Shall we discuss it now?

Dr. Kissinger: Well, we can discuss it. I must tell you in the time we have we are not going to settle it. I would be glad to settle it but there is no possibility. It is totally outside my instructions, totally outside the framework I presented to the President, so there's really no possibility of getting it settled. It totally changes the character of the agreement.

Xuan Thuy: Since there is no time for discussion of this question, I agree not to put the time limit of six months and fifteen days in the agreement.

Dr. Kissinger: I appreciate that.

Xuan Thuy: But the points you make in the agreement, now you should drop them.

Dr. Kissinger: What do you mean?

Xuan Thuy: For instance the question of forces "associated to," the question of relationship of International Commission with the international conference.

Dr. Kissinger: No, I cannot give up the relationship of the International Commission to the conference. But if you agree to that sentence we will drop the phrase "associated with."

Xuan Thuy: We have dropped "associated"—now you raise a question to exchange for another question. It makes no sense.

Dr. Kissinger: All right. Independent of "associated with" or "exchange," our position has been stated innumerable times that there has to be international supervision. Even the Special Adviser had great difficulty keeping a straight face when I asked him to explain to me what it meant. It will be totally ridiculous. Now if on top of this we say the four parties are the only ones who determine its procedures, expenditures and actions, then we don't have international supervision. On its merits, it is essential for us to have some sentence as we gave—"it will be determined by the conference." That doesn't mean that the conference will determine it favorably, but at least it means that the parties to the conference will have a chance to express themselves.

Xuan Thuy: But I would like to say this. First, from the very beginning, we have repeatedly said that the question of "associated to" and so on, or the question of North Vietnamese troop withdrawal from South Vietnam, then never will there be a settlement. We have repeatedly said this and you have agreed to this. If now you raise the question again, then we have new difficulties.

Dr. Kissinger: No, I have never agreed to it; I have attempted to avoid formulations of it in the document. I have never agreed to the principle of it. Secondly, we have consistently said that there must be international supervision. Every President who has addressed this problem has said this. What you have here is very little supervision, even with that sentence we would like to write in. Without it you don't have international supervision—you have supervision by the parties over the supervisors, you have vetoes by the parties over the supervisors, which you already have. That is the difficulty.

Xuan Thuy: We have no objection at all to the relationship between the International Commission and the international conference. We only say that this relationship should be discussed later.

Dr. Kissinger: At the conference.

Xuan Thuy: And the conference will discuss it, but there should not be a specific sentence on it.

Dr. Kissinger: But why not, if that's your view?

Xuan Thuy: Because the international conference is not convened yet.

Dr. Kissinger: That's why we say the relationship of the International Commission to the conference will be discussed—or decided or determined, or agreed to—at the conference. The next sentence says the conference will meet in thirty days, so it won't happen before thirty days.

Xuan Thuy: So these following problems are left to us now: First, the question of return of the prisoners; second, the question of replacement; third, the question of relationship between the International Commission and the international conference.

Dr. Kissinger: And fourth, the question of Saigon, that's my problem. And the question of "associated with."

Xuan Thuy: We can, to speed up our work, put the sentence that the relationship between the International Commission and the international conference will be agreed upon later.

Dr. Kissinger: [Laughs] No, but we've already rejected that five times. If you say "will be agreed upon at the conference," we'll be in good shape.

Xuan Thuy: "... will be agreed upon by the International Commission and the international conference"?

Dr. Kissinger: Sure. And of course the International Commission is participating in the conference, sure. All right, I agree.

Xuan Thuy: You agree to drop the word "associated"?

Dr. Kissinger: All right. I agree, it's dropped.

Xuan Thuy: Now there are two problems left. We have put forward clear formulas.

Dr. Kissinger: Well, we can accept your formula on replacements if you drop the beginning of it. I will read to you what we can accept: "For the purpose of maintaining peace and not for offensive purposes, the two South Vietnamese parties will be permitted to carry out periodic replacements of arms, munitions and materials worn out, damaged, or destroyed after the ceasefire on the basis of piece-for-piece and of similar characteristics and properties under the supervision of the two-party Joint Military Commission and the International Commission."

Xuan Thuy: If you agree to write the provision on the release of prisoners, captured people, as I proposed, then I accept this.

Dr. Kissinger: [Laughter] I understand, Mr. Minister. Well, first we have to get this language . . . I have explained to you, Mr. Minister, it

isn't ill will on the prisoner issue. Of all the issues which we have discussed in the time we have been meeting, the one on which I have the greatest sympathy is the prisoner issue. There is no American interest in keeping your prisoners there. So it's not ill will. And the problem is the practical difficulty of what we can ask in Saigon tomorrow evening when we get there. I can write anything into the agreement, but if when I get to Saigon it isn't accepted, then it won't do any good. This is our problem.

Xuan Thuy: You want us to make concessions to you on one question and another, but on our problem you make no concession.

Dr. Kissinger: No, it's not our concession to make.

Xuan Thuy: As I told you this afternoon, you want that all American pilots be released, all people of Saigon captured by the PRG be released, but the people of the PRG captured by the Saigon Administration, the Saigon Administration wants to keep them and it is not fair and you say that you are sympathizing.

Dr. Kissinger: No, I think all the people of the South Vietnam captured by the PRG can also be held until there is an agreement.

Xuan Thuy: At the beginning you said that the Saigon Administration doesn't want to release the people of the PRG for fear that those released people will rejoin the liberation forces and oppose the Saigon Administration. Then it is contrary to our good will and to the good will of the PRG. If our purpose is to wipe out enmity and hatred, to realize national reconciliation and concord, then this thinking of the Saigon Administration will lead to the increase of conflict and enmity. It is a fact, and it is an expression of our feeling with respect to this question. But speaking of fairness and reason, after the ceasefire, two months after the ceasefire, then all captured people of the parties should be released.

Dr. Kissinger: I understand your position. I will take it up earnestly in Saigon, and I will give you an answer. But I lack any basis at this moment for making a recommendation.

Xuan Thuy: Now I propose the following. So we have agreed on the questions of the agreement. But there are two outstanding questions, the question of return of people of the parties captured during the war and the question of replacement of armaments. We still disagree. So these two questions cannot be solved tonight. If you say that you should consult the Saigon Administration, if so I am afraid that all our agreement here will not be agreed to. Because the Saigon Administration will disagree to everything. So if we stick to the schedule we have agreed upon you will go to Saigon and you will go to Hanoi with these two questions to be settled there. If you feel that this problem of your visit to Hanoi does not suit you no longer, then it is up to

you. Because you have your program and we have ours. We shall not prolong.

Dr. Kissinger: Well, we must do . . . having come this far, we must do what is most effective to bring peace. That is the most important consideration. We have come this far that I am convinced we will settle the outstanding issues. In what time frame we settle them and by what methods, that depends on the circumstances that we find.

Xuan Thuy: It is up to you. I just point out these two problems. We have made an effort. I know that you have made efforts too, but both sides should make efforts. I know that we have settled many problems, but these two problems we can't settle tonight. I think that these two problems may be satisfactorily settled when you go to Hanoi. But if you cancel your program to visit Hanoi, it is up to you.

Dr. Kissinger: Well, I will have to consult the President, and I will have to see what the possibilities are that I find in Saigon. Our most important objective for our two sides now should be to settle the war, the quicker the better. We maintain every agreement we have made here. And we are certain that we can find some means of overcoming the remaining difficulties. But we should not tie ourselves to one particular time schedule. I am certain that if we cannot do it this week we will settle it in a matter of weeks.

I don't suppose there is enough time to suggest alternative methods of handling the prisoner issue, but I think I have proposed it already: We could say in paragraph 8(a) that "The captured military personnel and civilians of the DRV and of the U.S. and of those parties other than Vietnamese allied with the United States" and then under 8(c) we could say, "the personnel of the Vietnamese parties . . ."

Also, we never discussed your unilateral statement about Americans held in Laos and Cambodia.

One other possibility is that the Special Adviser would agree to meet me say in Vientiane to work out these difficulties.

Xuan Thuy: Is that a new formula you proposed?

Dr. Kissinger: Yes. That is 8(a).

Xuan Thuy: So if you write 8(a) like this, then "the return of military personnel and civilian personnel of the DRV, the U.S. and of non-Vietnamese parties allied with the United States," they will be returned in that time period, then the people of the PRG will not be returned. Moreover you mentioned the DRV here; there is no DRV people in South Vietnam.

Dr. Kissinger [laughs]: Well, if we don't leave now we'll never get to Saigon.

Xuan Thuy: It is up to you. We have done our utmost and you do not want it and you want to prolong it. You proposed a schedule—

we accepted this schedule, and now you say that this schedule depends on your trip to Saigon and you have to consult in Saigon, and you say that it will be a matter of a couple of weeks and we will settle the problem. It is clear that you want to drag out this negotiation.

Dr. Kissinger: There's absolutely no sense in attacking each other's motives. The Special Adviser has pointed out to me many times that it was not sensible to go to Hanoi unless an agreement was already achieved, because otherwise the disappointment would be too great. We do not want to drag it out. I am prepared to meet this weekend in Vientiane. I am prepared to come back here early next week. We should be able to settle this very quickly, and after we have achieved an agreement I maintain my position on going to Hanoi. So it is a common objective and we shall persevere; we have solved so many difficulties and we will certainly overcome this. We had hundreds of difficulties three weeks ago; we are down to two now. We had no text a week ago; we have a practically finished text now. So there is no question that we will succeed, and we want to succeed.

But if I don't leave now I will miss everything else. I will communicate with you very rapidly. We're talking of a delay that may be less than a week, not of several weeks. We must leave for Orly Airport because it closes. But I will be glad to meet the Special Adviser Saturday or Sunday in Vientiane to see whether we can resolve it.

Xuan Thuy: Let me speak one last sentence. We have done our utmost effort. Your trip to Hanoi is proposed by you. We thought it was your desire to go to Hanoi and to end the war and therefore we were prepared to accept you. Because normally speaking when two countries are at war there is no reason to receive you in Hanoi. It is because of a desire to end the war and restore peace and take into account of your views that we have decided that.

But your last statement makes it clear that you want to protract these negotiations. I have come to no other conclusion. So if the war continues and no peace is restored, it is your responsibility.

Dr. Kissinger: Well, we will end the war and we will end it within the next weeks, I am certain.

Xuan Thuy: I can tell you that we have our program too.

Dr. Kissinger: I will have to communicate with you. I must get instructions from the President.

Xuan Thuy: You have your schedule; we have our schedule.

Dr. Kissinger: We had agreed to the schedule—which was perhaps unwise of me because of the impatience to make peace—on the assumption that we would have a finished document today. But we maintain our offer to finish the document in the most rapid time possible and to meet the Special Adviser in some neutral place—which was my

original proposal—complete the document, and when it is completed make the trip. Or to return to Paris early next week, complete the document and the following weekend go to Hanoi. We are not talking of a delay of a long time. We are talking about a brief delay. It is not unreasonable to want to discuss with our allies the making of the peace, to get an agreed document. But I would like to get the instructions of the President and to communicate with you and in the meantime to maintain our present plan.

Xuan Thuy: It is up to you to make the statement you have just made. But we can make no other conclusion than as I have told you, and I will not make no promise to your proposal.

Dr. Kissinger: Well, we are making peace because we both desire peace. I cannot believe that you will refuse to make peace because you insist that we must settle the war in Hanoi and on the basis of two very important unresolved issues. We have given you two proposals on how to settle the war quickly. It is up to you to decide which way we will proceed. On our part we shall maintain what has been agreed to, but we must go.

If we continue with our present schedule, here is the list of people who will come. [Hands over Tab D.] And here are some understandings about publicity which we would appreciate your confirming. [Hands over paper at Tab E.]

Xuan Thuy: This is your statement and we take note of this statement. [Hands over set of DRV unilateral statements, Tab F.]

Dr. Kissinger: But what is this?

Xuan Thuy: This is your statement and we acknowledge your statement.

Dr. Kissinger: Oh, the unilateral statements.

Xuan Thuy: Yes, unilateral statements. It is wrong to say that we do not want peace; it is really for the desire of peace and to end the war that we have taken such actions. Our failure to settle the problem tonight and how long it will take to do, this is your responsibility. We end our meeting tonight.

Dr. Kissinger: All right. We have to study these. We do not agree to every statement necessarily that you make here. My accepting it does not mean that I agree with this. I will confirm what is appropriate.

Xuan Thuy: Just as the unilateral statement you gave us, it does not mean that we accept everything you gave us, because you have given us many unilateral statements this week. But the main thing is the agreement.

Dr. Kissinger: That is right, because the bombing comments were made in the context of a settlement and a visit to Hanoi and not in the abstract. But we shall communicate with you on all of this.

[The meeting ended.]

Breakdown of Negotiations, November 1972–December 1972

26. Memorandum of Conversation¹

Paris, November 20, 1972, 10:45 a.m.–4:55 p.m.

PARTICIPANTS

Le Duc Tho, Special Adviser to DRV Delegation to the Paris Peace Talks
Xuan Thuy, Minister, Chief DRV Delegate to Paris Peace Talks
Nguyen Co Thach, Vice Minister for Foreign Affairs
Phan Hien, Delegation Member
Luu Van Loi, Delegation Member
Trinh Ngoc Thai, Delegation Member
Tran Quang Co, Delegation Member
Pham The Dong, Notetaker
Nguyen Dinh Phuong, Interpreter

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
Major General Alexander M. Haig, Deputy Assistant to the President for
National Security Affairs
Ambassador William Sullivan, Deputy Assistant Secretary of State
Winston Lord, NSC Staff
John D. Negroponte, NSC Staff
David A. Engel, NSC Staff, Interpreter
Peter W. Rodman, NSC Staff
Irene G. Derus, Notetaker

Before the two sides sat down at the table, Dr. Kissinger handed out some gifts to the Special Adviser and the Minister. To the Special

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam Negotiations, Sensitive, Camp David, Vol. XXI, Minutes of Meetings. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at 108 Avenue Du Général Leclerc in Gif-sur-Yvette. All brackets except where noted are in the original. The tabs are attached but not printed.

Since Kissinger's last meeting with the North Vietnamese in Paris on October 17, South Vietnamese President Thieu had blocked the settlement, rejecting the agreement negotiated by Kissinger and Le Duc Tho despite Kissinger's attempt to persuade Thieu during his (Kissinger's) October 19–22 visit. Thieu had numerous criticisms of the agreement but central to his objections was that it did not require North Vietnamese forces in South Vietnam, estimated to be 140,000–300,000, to leave the South. Believing it was critical that the United States and South Vietnam be on the same page regarding the negotiations, President Nixon directed Kissinger at this next meeting in Paris to present and argue for the changes Thieu requested. For documentation on Kissinger's visit to Saigon and his meetings with Thieu, see *Foreign Relations*, 1969–1976, vol. IX, Vietnam, October 1972–January 1973, Documents 27, 29, 32, 34–36, 39, 41–44, 48–50, and 52–58.

(Footnote continues on next page)

Adviser he gave a set of picture books of Harvard, to prepare him for his term at Harvard teaching a course in Marxism-Leninism, and a sterling silver desk pen and pencil set, for signing the peace agreement. To Minister Xuan Thuy he gave a picture book of America, to prepare him for his expected visit, and a Steuben glass desk ornament of a horse's head, in honor of his love of horseracing.

Xuan Thuy: I propose that we should set a timetable. I propose that today we work until 16 hours.

Dr. Kissinger: I agree. I am so used to night sessions now though, that it looks a little early. No, I agree.

Le Duc Tho: Let us begin our work. Before you speak, I would like to speak a few words.

Dr. Kissinger: I suspected that.

Le Duc Tho: You have guessed right. Because I have been negotiating with you for a long time and it is known to you probably that I go directly to the matter. But this time I would like to recall the recent events that aren't so good. And I would like to raise these events now so that we can draw experience from them and so as to avoid the misgivings which might be had so that our work would be crowned with success.

Please, now, let me make my statement. [He reads the following:]

In the recent period, in the course of negotiations, we can say that we have shown very great good will and very serious intent. In the

The number of changes demanded by the South Vietnamese numbered 69, and Le Duc Tho was, as Kissinger noted in his November 20 memorandum to the President reporting on the meeting, "obviously somewhat taken aback by the extent of our proposed modifications and indicated that they may have some changes of their own." While most modifications desired by South Vietnam were less than significant, a few were, and the question of North Vietnamese troops in the South was the most significant for both Hanoi and Saigon. Kissinger, according to his memorandum to Nixon, made it clear to Le Duc Tho that "the most important remaining obstacle was the issue of North Vietnamese troops in the South. Although he [Tho] did not reject some give on this issue he was essentially noncommittal in expressing any degree of flexibility." (Ibid., Document 115) It should be recalled that Tho had said many times in the negotiations that the question of North Vietnamese soldiers in the South would not, as a matter of principle, be discussed.

After Le Duc Tho reported to the Politburo on the developments at this November 20 meeting, the Politburo sent the following analysis and directive: "Based on the points that Kissinger demands be changed both as part of the Agreement and outside the written agreement, the Politburo believes that the U.S has changed the content of the Agreement and has reversed its position on many important issues to which it had previously agreed. This means that we must view this as a re-negotiation of the agreement." To this the Politburo added: "You need to concentrate on arguing hard to defeat the American plan to change the content of the Agreement and to reverse themselves on issues about which agreement has previously been reached." (Message from the Politburo to Le Duc Tho and Xuan Thuy, 22 November 1972, in Doan Duc, et al., compilers, *Major Events: The Diplomatic Struggle and International Activities during the Resistance War Against the Americans to Save the Nation, 1954–1975*, volume 4, p. 349)

four-day talks from October 8 to October 11 we have put forward very important, very fundamental proposals, opening the way for agreement in a very short time on the Agreement on Ending the War and Restoring Peace in Vietnam. And up to October 11 there were only two outstanding questions left. But afterward, on October 19 [18],² we agreed with you on these two outstanding questions and removed the last obstacles to complete the text of the agreement. The U.S. October 19 [18],² 1972, message addressed on behalf of the President of the United States to the Prime Minister of the Government of the Democratic Republic of Vietnam welcomed our good will and serious attitude and acknowledged and affirmed that the text of the agreement could be considered as completed. In view of your concerns about a number of questions to be understood between the two parties, once again we made an effort for settlement, and on October 23 the President of the United States acknowledged that we had met all the concerns raised by the United States side.

And so the two parties agreed in the main on all questions and also on the date for the signing of the agreement.

Through the above-mentioned facts no one can deny our good will and our effort in seeking a peaceful settlement of the Vietnam problem. But ever since, you involved one reason after another to protract the negotiations. As soon as we met one demand of yours, you raise other matters and try by every means to seek further gains. You maneuvered by putting forward a schedule to induce and coerce us to solve substantive questions of the settlement, and finally you made an about-turn. You delayed the signing of the agreement. It is obviously a way of negotiating without good faith. If you continue such a way of negotiating indefinitely, this negotiation cannot bring about the result and the war cannot be ended.

Do you think that you can by so doing coerce us? If you think so, it is a great mistake of yours. Past experience has shown that in the course of negotiation that when you show good will to settle the problem we are very reasonable people, but when you deliberately seek means to coerce us and deceive us then we are the toughest people and fight with the greatest determination. We will never let you coerce us and do whatever you like. You should understand that in negotiations both parties should have serious attitude if the problem is to be resolved. Today I feel it necessary to point out that if you continue such maneuvers and prevent the negotiations to come to result, you will be entirely responsible for such a situation.

² The bracketed corrections were supplied by the editor.

In the course of these private meetings, and in your messages too, you have repeatedly said that there should be mutual comprehension and mutual trust if we are to settle the problem. You have pledged to respect not only the letter but also the spirit and all the nuances of every agreement that has been reached. You have also said that you had been authorized by the President of the United States to come here to settle the problem with us and the agreements reached with us at this forum would not be changed in Washington with respect to the substance, the principles, the content, and if there is any change it would be only minor technical changes.

On October the 11th, 1972, when you mentioned about the necessity of insuring the agreement of Saigon, we pointed out to you that if you did so it would lead to continual changes and would lead to a deadlock. And you replied that when we completed our work here, then we could consider that the agreement was completed and there would be no changes. And on October the 11th at the end of our meeting I stressed one final time that the agreement we reached here should not be changed, and you agreed to that. All your statements, all our statements have been clear on the record. Today that we are face-to-face again you can't deny that.

But only a few days later all your promises and the promises on behalf of the President of the United States became valueless. You have reversed the matter. You swallowed your promises and commitment very swiftly. In the history of negotiations it is something unprecedented. I told you that we have struggled with the French, the Japanese and now with Americans. We have pointed out also that so many times we have been deceived. Agreements are reached and then scrapped up; promises are made and then broken. However, it has never happened as it did this time. The agreement had no sooner been reached than it was reversed. If you felt honorbound to keep your pledge you could not break your commitment so easily. As far as we are concerned, through so many negotiations over the past 25 years and over the seven years of negotiations with you, we have never violated the agreements that have been reached, but when these agreements have been violated by the other side then we oppose it very staunchly. No force can bind us. In negotiations both sides should abide by their promises, should respect and strictly implement the agreements that have been reached. Only this way can the problem be settled and mutual comprehension be created, not only for the immediate but also for a long time to come. However, your recent actions have undermined all this trust and comprehension you have often referred to.

Now you request one more private meeting, this round. You promised that you will complete the settlement in three or four days and you will show the greatest seriousness and the maximum of effort to

reach rapid settlement and to come to a peaceful settlement and to end the war the sooner the better. You also promised that in these negotiations there will be no major questions, only minor questions, technical questions, as you stated to the press on October 26, 1972, and the agreement this time would not be changed. Let us see whether your promise this time will have some value and will be matched by the actions. Whether the agreements can be signed or not, whether the war will be prolonged or not, whether peace will be restored or not, it completely depends on you.

Today we come to this private meeting once again with you to rapidly settle the conclusion of the agreement. We reaffirm our consistent good will and serious intent to seek a settlement to the Vietnam problem. We shall resolutely stick to the agreements reached in the agreement. We have made great effort. It is known to the whole world. But we will definitely not go beyond the limits of what has been agreed to. We will not give up our principles.

With respect to the US side, you should make an effort and adopt a serious attitude and keep your honor promise. You should not change the questions of principle and the question of substance that you have been agreed to.

Only in this way can we rapidly settle the question of conclusion of the agreement, rapidly restore peace in Vietnam, and open up a new relationship between the two countries which has been desired by both sides. Our attitude is very correct, very clear and clearcut. This attitude had been governing all our actions, all our proposals throughout the negotiations here.

If you, on the other hand, reverse what has been agreed to, if you change the content of the agreement, protract the negotiations, delay the signing of the agreement, if you on the other hand continue to intensify the war as has been done in the last few days at the moment that I was leaving Hanoi to go here; you have stepped up the bombing attack against North Vietnam with unprecedented violence, particularly by the B-52 bombers. At the same time you massively introduce armaments into South Vietnam and Cambodia. If so, we wonder if you want to seek peaceful settlement of the Vietnam war or you want to extend the war. How can this be consistent?

We have repeatedly pointed out to you that we have never been frightened by your threats, and through tens of scores of years your bombing and shells could not subdue the Vietnamese people. Your own face cannot deceive the Vietnamese people. If you really want a peaceful settlement of the Vietnam problem, you should put immediate end to these dangerous acts and you should keep your promises. Then you will see we are good-willed people in peacefully settling the problem. On the contrary, if you continue these maneuvers in negotiations

and you use military strength to pressure us, then the Vietnamese people have no other way to follow than to struggle until we achieve our fundamental national right no matter how many years we have to fight; no matter how much suffering we have to undergo. For us nothing is more precious than independence and freedom. This is the reason why for our entire people. You should also draw experience of the past ten years. If the war is continued indefinitely it will bring to you no interest at all and it will pile up difficulties and failures for you. This is a fact, because there is no force at all that can overcome a whole nation which has united and resolutely stands up to secure their right to live.

Now there are two paths to follow—either to rapidly restore peace or to continue the war. You should make a choice. If you really want and if you are resolute in seeking peace, we will also be fair and resolute to find a peaceful solution, as I have many times affirmed. But if you protract the negotiations to the war then you will see that we are also prepared to continue our struggle with the greatest determination. This is something evident and clear. If peace is to be secured, both parties should make an effort. The meeting this time is decisive. If the negotiations fail, the responsibility will be entirely on your side. [He ends reading.]

This is what I have to say before we begin our negotiations this time. I have come here for the clear purpose to seek a peaceful settlement of the Vietnam problem. Whether a settlement is possible or not, as you have repeatedly said, a certain mutual comprehension, mutual trust should be created. But whether this comprehension and trust can be created or not depends on you. And through so many meetings we have had here you have seen that how much good will, how much effort we have made.

But good will has its limits. If you show good will then we show good will. But if you ask good will from us and you don't show good will, then no settlement is possible. It is something evident, but we should draw experience from the lesson. You should know that in the negotiations we have our self-respect, too. But when you make a statement and then you reverse it, then imagine how I can understand this. So there should be some certain mutual trust. And you repeatedly told me so, and personally I do want to create this mutual trust, but you undermined this mutual trust and I think that now it is your task to recreate this mutual trust and mutual confidence. Now let us see how you will resolve the problem.

Dr. Kissinger: First of all I am glad to notice that the Special Adviser is fully recovered and is back on the attack with his usual vigor. [Laughter]

Le Duc Tho: Actually I was unwell recently but I still have enough strength to negotiate with you. You are much younger than I am, but

we have had negotiations for seventeen hours one time but I have kept up with you.

Dr. Kissinger: Secondly I had occasion to say in Washington recently something for which the Special Adviser does not give me sufficient credit; namely, that I have made a great contribution to unifying Vietnam because now both North and South Vietnam are mad at me. [Laughter] I don't know how good the Special Adviser's sources are from Saigon, but it is no secret that I was not received as a national hero on my recent visit.

But let me make a few observations. First of all, as I have stated repeatedly publicly, I have the greatest respect for the Special Adviser and the Minister, and for the determined, tough and principled way in which they have conducted the negotiations for your side. I have repeatedly paid tribute to your seriousness, both privately and publicly, and I want to assure you we are not taking you lightly and we are not trifling with you.

Secondly, I have acknowledged publicly, and I want to repeat privately, that you have approached the negotiations, at least since October 8, with good will and a constructive attitude. I said so publicly on my arrival at the airport—where I was forced to speak because I could not let the Special Adviser get all the television time.

Le Duc Tho: Then there will be reciprocity there.

Dr. Kissinger: We have genuinely made serious efforts to bring the war to a rapid conclusion. And it is inevitable in a war that has lasted between us for ten years and in Indochina for nearly 25 years that as one approaches a settlement more and more difficulties begin to appear. When we were talking general principles in the early stages of our negotiations, until say September of this year, we were only talking about categories of issues: ceasefire, the relations between military and political issues, and similar problems. We never had an opportunity to speak about nuances of implementation. After October 8, when we settled the general principles, the implementation suddenly took on a new significance. And so it is inevitable and not a result of bad faith and certainly not a result of deliberate deception that as one studies the provisions that way, various aspects appear that had not previously been considered. Also the Special Adviser should consider that when he made his proposal on October 8, if I am any judge of how things are done in Hanoi, it had been studied for many weeks before it was submitted here. And you had had an opportunity for full discussions with your allies. For us, on the other hand, the proposal was new. The Special Adviser must admit that in the previous four years of our discussions he had not moved with such rapidity that one would expect a totally new proposal to appear suddenly.

Le Duc Tho: [Smiles] It may happen that we do not reach a settlement during four years but a settlement can be reached in five days.

Dr. Kissinger: I am not saying this critically, I am saying it analytically. I have to make sure that when we invite the Special Adviser to Harvard I get an exchange professorship at Hanoi.

Le Duc Tho: But if I go to lecture at Harvard University then I should point out this experience to make it known. [Laughter]

Dr. Kissinger: You could not say anything worse about me than my colleagues have already done! Also you had undoubtedly full discussion prior to making your proposals with your allies, and simply judging from the performance at Avenue Kleber the Foreign Minister of your ally was probably not restrained in expressing her views privately before October 8. [Tho smiles.]

All of this means that we faced after October 8 a very compressed schedule, a necessity to make internal studies in Washington and a necessity to talk to our allies in a very brief period of time. If we had wanted to drag out the negotiations it would have been easy to do so without adopting this procedure. We could have negotiated at much greater length about individual points. We could have returned to Washington for instructions and we could have applied some of the lessons that I have learned over the years from the Special Adviser and the Minister. [Laughter]

So what you should understand is, it was precisely our desire to settle the war as rapidly as possible that has contributed to some of the difficulties. I say this so that when your colleagues and you study our intentions they draw the correct conclusions.

Now the Special Adviser has been very generous on many occasions in investing me with full authority, and my ego is so well-developed that I may perhaps not deny that with the vigor that the American Constitution would require. In the American system, as a result of provisions in our Constitution that I accept with more or less good grace, the final authority rests with the President.

Le Duc Tho: I do understand that you do not have plenipotentiary powers and that you should consult the views of the President. However, you have daily communication with your government, and so do we have daily contacts with our government. I don't think that you have full authority.

Dr. Kissinger: But I tried to point it out to you. For example, when we left I said to you on October 11, I said, [reading from the transcript] "I think you have an exaggerated idea of the degree of my authority." I said, "I will have enormous difficulty in Washington already, with the agreement as it stands. For many reasons, which I shall sometime explain to you when it isn't so late and I can explain to you the operation of our governmental machinery, everybody who was excluded from the negotiations now has a vested interest in proving that I failed the

country. They have not had the privilege of working with you but they think you are easier to persuade than you are." And then you disagreed with me. You said it would be easier and then I said, "But whatever the situation in Washington we will have an unbelievably difficult time in Saigon. We should not underestimate this, and it is in all our interests that we do not repeat the experience of 1968." And on October 17 I said to the Minister "As I said to the Special Adviser, we have not had an opportunity, as you have had, to discuss this document with our allies. And though we will use our maximum influence to persuade them of our views, we have to take their views into consideration. This is the one proviso which I have always made. But we intend to keep to our program.

"We are so close to an agreement that certainly we will solve the outstanding questions. So we must not get so impatient that we jeopardize what has already been achieved. We have not had a chance to present any of this in Saigon except in the most general way. We do not know what the reaction will be, but we do not expect it to be enthusiastic."

And some other quotes. I will give just one more quote. I have many others. I just want to show you—"Well, I will have to consult the President, and I will have to see what the possibilities are that I find in Saigon. Our most important objective for our two sides now should be to settle the war the quicker the better. We should not tie ourselves to one particular time schedule. I am certain that if we cannot do it this week we will settle it in a matter of weeks." That was also on October 17.

All I am trying to say to you, Mr. Special Adviser, is that we did not have a plan to trick you into making concessions and then to delay. Our intention is still to settle the war most rapidly. As I have told the Special Adviser and as I now want to repeat after the election, we consider an improvement in our relations and moving from hostility to normalization and from normalization to cooperation one of the essential goals of the new administration. Therefore, we want to get the war settled now, so that we can concentrate on this principal objective. This agreement will be preserved in part because its clauses are correct but in much larger part because both you and we, for the first time, will make not an armistice but a peace, and will develop a relationship which gives both of us a vested interest in maintaining a good and cooperative relationship.

The reason we have agreed to visit Hanoi is not because of the agreement but because of the relationship that we expect to build with you. So we should always keep this principal objective in mind. We have enough experience with each other to know that in difficult periods we will not be able to wave a piece of paper at each other,

because there is no court to which we can go. What will maintain the agreement is the consequences of breaking it, either in terms of the reaction of the other side in terms of hostility or in terms of jeopardizing the positive goals we have set up for us.

Now there were other factors at the end of October which we have already pointed out. As somebody who has recently been the victim of an interview I must say that an interview given to *Newsweek* magazine did not occur at the most opportune time in terms of the discussions in Saigon. I will not go into the details of the difficulties it caused, since we have pointed them out.

But there was a third factor which I do want to mention, which is outside of the agreement but related to it. We received information which we consider highly reliable that your side was planning a massive set of military operations to coincide with the period of the ceasefire and specifically to occur between my visit to Hanoi and the signing of the ceasefire and extending for one or two days beyond it. If that information was correct, and we believe it is, then it was very fortunate that we did not conclude the agreement. We would certainly have reacted with extreme violence, and what should have started a new relationship would have turned into the beginning of new hostilities.

So let us not discuss the origins of our difficulties, but also let us not exaggerate them.

I told the Special Adviser prior to our election that our policy would not be affected by the election. I repeat that to the Adviser today. We maintain the principles that were agreed upon in October. We maintain the essence of the agreement that was achieved in October. We are certain that a settlement is possible in a matter of weeks and that we can conclude the major part of the agreement during this week, and this is the intention with which I am here. Difficulties between us and our allies that could not be overcome in three days have now had sufficient time to crystallize. We have told you in several messages, and we repeat today, that if we reach an agreement this week, as we will make every effort to do, we will not ask for any other substantive changes. We will require a couple of weeks to complete our consultations with our allies. And this process would be aided by restraint in publicity by all sides.

But the major problem we should focus on now is this: We have done a very important work in October. We have covered the greatest part of the road towards peace. The changes we shall discuss will strengthen the agreement, and when peace is made, as we want to soon, these last few weeks will seem like only an episode on a road on a journey towards closer relations between our two countries. So we will meet you with a serious attitude to complete the process, with a determination to prevent a repetition of some of the difficulties we

have recently encountered, and with the assurance that peace between our two peoples is one of the principal objectives of the new administration. An objective, moreover, which we believe can be realized before the new administration is formally inaugurated on January 20th. That is all I want to say in a preliminary way.

Le Duc Tho: Let me add a few words and then I propose a little break. The reason why I recall some of the facts of the recent process of the negotiations of our talks is that so as to draw some experience, some lessons, to avoid difficulties for the negotiations in coming days. I know that we have been fighting over the past ten years and if now we are engaged in peacefully settling the problem there are many difficulties. I also understand that the Saigon people have been put in place by you but I understand that you have to exchange views with them and to a certain extent there may be some difficulties between them and you. But in any case the decision will be made by you.

Dr. Kissinger: I have never had the good fortune, Mr. Special Adviser, to meet a Vietnamese who was easy to push around.

Le Duc Tho: Suppose now that if Nguyen Van Thieu would stubbornly oppose the agreement, I wonder whether you will overcome this difficulty to settle the war or not. I say this to mean that finally the decision is made by you. What we are incriminating [*intimating*],³ what we are complaining, is that if really you meet with difficulty, then you should not answer by your messages that the agreement could be considered as completed. You should frankly say that you are meeting with difficulty and you should not propose a schedule which later afterward you reverse. You should frankly tell us.

Dr. Kissinger: But, Mr. Special Adviser, we have always kept you informed about the precise status of our knowledge and we informed you as soon as we were aware of the extent of the difficulties, and as soon as we realized that they could probably not be resolved in a two day visit to Hanoi. We believed the most dangerous course would be to go to Hanoi and to fail. Then we would have had no recourse than to continue the war, because both sides would have been so deeply engaged. But I have always said publicly that I understand that you have some reason to be disappointed, and we never criticized you for breaching the confidentiality of these discussions—though I hope you don't make a habit of it.

Le Duc Tho: Because you did not keep your promise, therefore we have to divulge, so you can't criticize us.

Dr. Kissinger: Don't underestimate us, Mr. Special Adviser. We chose not to criticize you because we recognized that you behaved

³ The bracketed correction was supplied by the editor.

seriously in October. Therefore, our public reply was to reaffirm the essence of what had been achieved in October. And also we did not in our public reply raise every issue, because we did not want to make it a test of prestige between you and us, to make it as easy as possible to settle at this meeting. We recognize you have more than earned your self-respect.

Now as for your first question about what will happen after we agree. I think I expressed it on October 26 when I said first “We will not be stampeded into an agreement until its provisions are right, but we will not be deflected from an agreement when the provisions are right.” The President said exactly the same thing on November 2 when he said, “We will not delay one day beyond the point when we think the agreement is adequate.” I hope that by the end of this week or whenever we complete our discussions we will have finished our substantive work. Then we should make a schedule which takes into account various contingencies.

The major thing is that you should understand that we are trying to make peace and that we are not looking for a pretext to continue the war, and that we will not make new demands after we conclude our work. And we have said this already as an American unilateral statement to two of your principal allies, so that our relationship to them, which is also important to us, is involved in this understanding.

Le Duc Tho: So you have just said that you come to these meetings with determination to settle the problem rapidly. Within this week we should complete the settlement; we should complete the text of the agreement.

Dr. Kissinger: And then be quiet about it.

Le Duc Tho: Let me come to that. Now let me provisionally trust you when you say that you will make an effort to come to a rapid settlement and complete the text of the agreement this week and that afterward there will be no change at all in substance. Within this week we will complete the text of the agreement without any substantive change.

Dr. Kissinger: No, we will complete the text of the agreement. After that we will not ask for any substantive change.

Le Duc Tho: And you have just said that you maintain the essence and the principles of the agreement that was made in October.

Dr. Kissinger: That is correct. That is correct.

Le Duc Tho: And if you adopt such an attitude we will do the same. We should do it in such a way that we can settle the problem within this week and we shall do the same, and we maintain the essence of the agreement reached in October; the substance and the principles made in October.

Dr. Kissinger: We may differ as to what constitutes the essence, but we will discuss. I know the Minister won't let me get away with anything, but I am getting suspicious of his new colleague. Not that the others lack vigilance! [Laughter]

Le Duc Tho: And when the agreement is reached I provisionally agree with you that afterward there will be no change. [Laughter] And if this time there will be further change then there will be continuation of the war.

Dr. Kissinger: I agree with you. We are aware of that. This cannot happen again. We recognize it.

Le Duc Tho: And when the agreement is reached within this week then we should decide a schedule, what we shall do in the coming time.

Dr. Kissinger: Exactly.

Le Duc Tho: Please let us know your views. And this time in the course of our negotiations whatever we have reached agreement here, if you keep it confidential and do not divulge it, we will do the same. But in case you violate the agreement then you can't prevent us to divulge. As I have repeatedly told you, in fighting we have shown the greatest determination but in a peaceful settlement we are good-willed people, too, and we should open up a new period of relationship. Let us hope so. And after a peaceful settlement is reached we should do it in such a way to maintain a lasting peace. We agree with you. But through our past experience, over the past scores of years, whether a lasting peace can be preserved or not depends on you. Therefore I think that it is your great responsibility to maintain lasting peace.

Dr. Kissinger: It is both our responsibility.

Le Duc Tho: And whatever agreement is signed, you should respect it.

Dr. Kissinger: Both.

Le Duc Tho: Naturally. Let us have a little break here now.

Dr. Kissinger: I appreciate the spirit of your remarks.

[The meeting broke for lunch at 12:20 p.m. Dr. Kissinger and Le Duc Tho conversed informally during the break as follows:]

Dr. Kissinger: He asked whether I would initial the agreement here this week and I said no.

Le Duc Tho: But I wonder whether this peace will come through.

Dr. Kissinger: It should come through and it will come through, well before the end of this year. Actually, we will make a big effort. I will present all our changes and you will see 95% are technical. The most important question—we don't discuss it now, but so that you can think about it during the break—is the problem of troops. If you could come up with any suggestion on that issue, it would solve all

our problems in Saigon. And we recognize your position and your difficulty. But I said to my colleagues on the way over that I am sure the Special Adviser has a more ingenious solution than I can think of, but if I am any judge of him he will make me speak first and confuse the issue completely.

Le Duc Tho: But I have to speak first to avoid the difficulty that happens.

Dr. Kissinger: No, you speak with greatest of dignity and with great restraint.

Le Duc Tho: But you keep saying that I am ingenious in finding out a solution, when you should find out solution. If you say that I could find out the solution, then you mean that I will have to make concessions to you.

Dr. Kissinger: It is not a question of concession, because over a period of years the real forces in Indochina will assert themselves. We cannot have peace if one side wants to have a unilateral advantage. But this one issue has become the symbol which is being used to prevent an agreement on everything else. And, therefore, some solution—it is not really a concession—prevents those who may want to continue the war from having a pretext. And certain changes are inevitable anyway as a result of the peace. We should not do this negotiation today with a scorecard of who won or who lost. If the war continues we will both lose. And if a proper peace is made it will be a benefit to both, and it will permit the real forces in Vietnam to assert themselves. That is the essence of the problem. Two years from now when we have economic relations and diplomatic relations, many problems which today seem very insoluble and where we look at each other from a perspective of hostility will have a totally different perspective.

Le Duc Tho: So, Mr. Special Adviser, take a break.

[The conversation ended at 12:32 p.m. and the break resumed until 1:22 p.m., when the meeting reconvened.]

Dr. Kissinger: We should go outside together, Mr. Special Adviser, and you should point a finger at me. [Laughter] What do you think about our meeting tomorrow? Should we meet out here or should we meet at Avenue Kleber, now that it is become so public? I don't care. Where ever it is is up to you. The French can make a tape recording of it.

Le Duc Tho: I think that they make recording here, too.

Dr. Kissinger: But only the French Communist Party.

Le Duc Tho: The French use the recording, too, because they are technically advanced.

Dr. Kissinger: How should we proceed, Mr. Special Adviser?

Le Duc Tho: Please now expound your views. The whole of your plan.

Dr. Kissinger: All right. I will give you our suggestions, Mr. Special Adviser. You will see that the vast majority of them are really for the purpose of clarification. There are three or four that I think are of more substantive significance. We can do it in two ways. I can give you all the changes, or I can give you all of those we consider important first and then take up the technical changes. I think it is more efficient to give you everything.

Le Duc Tho: Please give the whole of your views.

Dr. Kissinger: All right.

Le Duc Tho: You will please present the proposals one after another. The substantive first and the technical.

Dr. Kissinger: Well, let me give them paragraph by paragraph. That is the easiest, because otherwise I may think something is important and you don't and then it is confusing. I give you everything even if it is just a word for clarification. Is that agreeable?

Le Duc Tho: (nods yes)

Dr. Kissinger: My basic suggestion is we should proceed as follows. We go through this agreement and I give you the changes, then we discuss it and see where we are. Then we would like to discuss with you some of the protocols to set up the various commissions, the international control commissions. I won't present that today. We should also review the various understandings. We propose no change in them, but just to make sure we are operating from the same language.

All right, let me start then.

[The marked up draft with US-proposed changes is at Tab A.]

In the Preamble, you remember we had always told you that we should be ready for the signatures of either the four parties or two parties. We had never finally resolved that issue. We propose to eliminate the first two paragraphs and simply say "The parties participating in the Paris Conference on Vietnam." No other change in the Preamble. And then it can be signed by the Foreign Ministers of all four parties.

Article 1. Let me make a general comment. The President in reviewing this text has come to the conclusion that it is a very bad basis to begin a relationship, to single out the United States as a culprit. We are willing to undertake the obligation, but we do not want an agreement that singles ourselves out. And in a number of places we have made changes like this, so we are proposing "The independence, unity and integrity of South Vietnam as recognized by the 1954 Geneva Accords on Vietnam shall be respected by all countries."

Article 2. There is a technical problem. It appears that there is a different time as between Hanoi and Saigon. And it seems to us not right to have the war continue on the issue of which of the Vietnamese times should be listed here, so we propose just listing the Greenwich

Mean Time and not listing the Indochina Time. Failing that, we have to list both Hanoi and the Saigon time.

To go back to Article 1, we actually think that our formulation puts an obligation on all countries and strengthens it from your point of view.

At the end of Article 2, there is a question really of reconciling the text. We have “without limit of time” and you have “long-lasting.” Now I know the Special Adviser and the Minister have explained to me that this is primarily an esthetic problem; that “without limit of time” doesn’t have the same meaning in Vietnamese. But on the other hand, in English “long-lasting” means that it is going to end and then we will debate what is long. And, therefore, I suggest that our colleagues from Hanoi do violence to their esthetic sensibilities and use the phrase “without limit of time.” [Conference on US side.]

My staff is of the view, Mr. Special Adviser, that you are very lucky to have me on the other side of the table. If they were on the other side of the table you would be in much difficulty. They had some question about the rapidity of my comprehension. [Laughter] Do you hear my secretary laugh?

All right, Article 3(a). We propose to say “the US forces and all other non-South Vietnamese forces shall remain in-place.” Then at the end of 3(a)—this is not relevant yet, we are suggesting that Chapter IV be several paragraphs rather than one long paragraph, and that would change the numbers. It might make this Article 16 rather than Article 11, but that is a purely technical point. If you agree to make Chapter IV into several articles then the numbers will have to be changed. It has no substantive significance whatsoever. It is a purely technical point. Not even the Minister will find anything of substance to that. Not even Ambassador Porter has found anything substantive to that.

Next, (b), there would be the same change in the article; where we say “12” we would have to say “17.” And we are proposing a slight change for technical clarity. I will read it to you: “shall determine the areas and modalities of stationing of each party’s forces to facilitate control of the ceasefire.”

No change in (c).

Article 4. “The United States will not continue its military involvement in South Vietnam.” We propose deleting “or intervene in the internal affairs” because that is covered under Article 9. And this is the chapter that only deals with ceasefire.

Article 5. After where it says “of the the United States,” we propose to say “and of all other non-South Vietnamese forces.”

Article 6. No change.

Article 7. Oh, wait a minute. I am not finished yet with the previous one. What we would say at the end of Article 5 is "Foreign advisers to all paramilitary organizations will also be withdrawn."

Article 7. The first sentence should read "from the enforcement of the ceasefire to the completion of the political process provided for in Article 9(b)." Take out 9(i) because that is not really relevant. No change in substance.

In the next paragraph, "the two South Vietnamese parties shall be permitted to make"—just an improvement in English—we say "periodic," not "periodical." It is not worth translating. I mean you can translate it but it is of no significance in Vietnamese. It means the same thing. You can look it up. I am just giving you everything so that I don't get another speech from the Special Adviser.

And in the next line "replacement of armaments, munitions and war material," we want the language from the Geneva Accords, which says "which have been destroyed, damaged, worn out or used up." Because we know of the Minister's attachment to his handiwork and we didn't want to offend him. It is a sign of our good will. [Laughter]

Le Duc Tho: Too much good will.

Dr. Kissinger: There can never be too much good will.

Le Duc Tho: Because you plan for the massive reintroduction of weapons.

Dr. Kissinger: No. This makes no real practical difference, but it makes for exactly the same provision. "Worn out and damaged" covers everything else. An artillery shell that is fired is certainly worn out. [Laughter] Chapter III . . .

Le Duc Tho: It is a very hard chapter.

Dr. Kissinger: Yes, and we are very aware of the problem. In paragraph 8(a), where it says "completed on the same day as the troop withdrawal," we want to say "completed no later than." Because our understanding was not that all the prisoners would be held until the last day, our understanding was that they would be released over that period and completed that day. Therefore, the phrase "completed no later than that day" is more accurate than "on that day." That is what we have always discussed.

Le Duc Tho: Not one day later.

Dr. Kissinger: Not one day later than the last day of the troop withdrawal.

Le Duc Tho: Naturally.

Dr. Kissinger: I know, but if you say "on," that means you hold them until the last day and then you release them.

Le Duc Tho: We have used the word "simultaneously."

Dr. Kissinger: That is right. “No later than.” I think your experts will find that it reflects the discussions accurately. It is what we have always discussed. In paragraph (b) it says the parties should help each other about those “captured military personnel missing in action.” That doesn’t make sense. We want to take out “captured.” I mean if personnel are missing in action they’re not captured.

Le Duc Tho: In our text there is no word “captured.”

Dr. Kissinger: Then we made a mistake. We will delete it from our text. That is the only change in Chapter III.

Le Duc Tho: About 8(c), there is no change?

Dr. Kissinger: No.

Le Duc Tho: You should bring a change.

Dr. Kissinger: [Laughs] My assistants point out to me that we are capitalizing some words. We don’t have to worry about that. The technicians will go over the text. You don’t want spelling changes. Haig has been corrupted by Lord. They are becoming very conservative.

Le Duc Tho: Then we shall propose a change to 8(c).

Dr. Kissinger: But you don’t. You told us you would keep everything intact. I have a message from you to that effect.

Le Duc Tho: But you have brought many changes and you don’t want us to make any changes at all.

Dr. Kissinger: That is to expedite a settlement.

Le Duc Tho: But so far they are all negative changes.

Dr. Kissinger: That isn’t true. Most changes are neutral. [They laugh]

Chapter IV. We have reorganized it somewhat. I will give you the new text rather than read it to you, but I will explain what we intended to do. I don’t think the Special Adviser will accept this immediately anyway.

Le Duc Tho: It is certain.

Dr. Kissinger: I tell everybody that you make concessions to me because you like me personally. You must not disappoint me. All right. Let me explain what we did.

Now Chapter IV is one long article, which lumps together what all four parties agreed to do with what the US will do with what the two parties will do. And we tried to break it up into separate obligations. So, for example, Article 9(a), (b) and (d) list the obligations of outside powers. Article 9(c) talks about the ceasefire. And Article 9(e) talks about what the two South Vietnamese parties will do after the ceasefire. So what we have done is to make Article 9(a), (b) and (d) one article. We have made Article 9(c) a separate article. You will get it; I am just trying to explain to you what we are trying to do. That is not a substantive change yet.

Le Duc Tho: You make no change.

Dr. Kissinger: Mr. Special Adviser, I object to the reinforcements you have brought [Mr. Thach].

Le Duc Tho: You have brought reinforcements [pointing to Sullivan].

Dr. Kissinger: But he is much more restrained. He makes no editorial comments.

We made Article 9(e) into Article 11. Article 9(c) is now Article 10. We have made Article 9(f) Article 12. We have made Article 9(h) Article 13, and we have made Article 9(i) Article 14. This is to group them by subject matter. If you want to take a recess to study this. It took me three weeks to understand it myself.

Now then let me sum up the changes we have made. Here is the text. [Hands over clean copy of US redraft of Chapter IV, Tab B.]

In the first part, Article 9, instead of saying “the Government of the United States and the Government of the Democratic Republic of Vietnam” we just say “the parties.”

There is no change in 9(a).

No change in 9(b) except that we want to say “national” for “general elections.”

No change in 9(c) which now becomes Article 10.

In 9(d) we have the same problem as in Article 1. We want to phrase it neutrally so it is not a singling out of the United States. We want to phrase it as a general obligation, that no country has a right to impose a political personality on the South Vietnamese people.

Article 9(e) which is now Article 11, no change. One editorial thing here—it says “insure the democratic liberties of the people.” We want to take out “of the people,” which in English sounds a little funny. But I can tell the Special Adviser that if that change is the only thing that stands between us and an agreement, I think I will reconsider that proposal. [Laughter] This is why they say in Washington I am a very bad negotiator. I give everything away before we start negotiating.

Article 9(f): we have made some condensation, which I think you will find best in the translation, which is self-explanatory. It keeps the essential element. Article 9(f) will now be 12(a).

Article 9(g) is now 12(b). In Article 9(g), the only substantive change in Article 9(g) is that we have taken out “maintenance of the ceasefire and the preservation of peace,” because we believe that maintenance of the ceasefire is the responsibility of the two-party commission, and “preservation of peace,” we don’t know what that means.

In Article 9(h), which is now Article 13, I just want to explain what we did rather than give you the language, because you have it. As I

told the Special Adviser during the break, the question of the armed forces is really the one which complicates everything. So what we did at the end of Article 13 is to spell out in a little bit more detail the provision for demobilization that was in the original agreement. I will read these things to you if you want. I am trying to save time and just give you the reasoning. I have no doubt that this great assembly on your side will find everything we have in there, because many things even we did not understand.

Le Duc Tho: But it is difficult to find out everything.

Dr. Kissinger: The Vietnamese skill is to find things that don't exist.

Article 9(j), Article 14. We took out one sentence that says "South Vietnam will respect the military provisions of the 1954 Geneva Accords" because that is covered in Chapter V. All right?

Le Duc Tho: All right.

Dr. Kissinger: That is all for Chapter IV.

Le Duc Tho: Too many questions.

Dr. Kissinger: Chapter V. I enjoy so much negotiating with the Special Adviser.

Le Duc Tho: You add new things always.

Dr. Kissinger: No, not to 9(h). In short, even your new assistant could not have found anything new. Clarification and precision.

Chapter V: Where it says "as stipulated in the 1954 Geneva Accords on Vietnam," we want to say "as stipulated in paragraph 6 of the Final Declaration of the Geneva Conference of 1954." This makes clear that it's a quote from that Declaration. Then we want to add the following sentence to the end of that paragraph. We want to prove that we have studied these documents carefully, out of respect to the Minister. We want to add the following sentence:

Xuan Thuy: But you studied the agreement and can take out all that is advantageous to you.

Dr. Kissinger: No, we kept all the things you want in there. We reaffirm it anyway. "As stipulated in Article 24 of the Agreement of the Cessation of Hostilities in Vietnam of July 20, 1954, pending reunification each party shall respect the demilitarized zone."

We have no other change in Chapter V, except there is a difference in the translation. In the third paragraph we have "the establishment of relations in various fields" and the Vietnamese translation has "in all fields."

Now Chapter VI, which I know is a subject that is especially dear to the heart of the Special Adviser and which he has carefully designed to insure . . .

Le Duc Tho: But this isn't the chapter in which there should be great difficulty because the International Commission will have a great deal to do.

Dr. Kissinger: Will have a great deal to do? The Hungarian perception of Vietnamese problems is a terrifying thing to consider. We don't know whether you know the joke where they say the difference between the Hungarians and the Romanians is they both will offer to sell their mother but the Hungarians will actually do it. [Laughter] But with respect to this chapter, most of the difficulties arise because the Vietnamese text and the English text have some discrepancies, and I think the experts should look at it. The differences arise in nuances about the description of the duties. All we should agree on now, rather than have you reject it all, is that the paragraphs describing the duties should be consistent with the paragraphs to which they refer. Because otherwise I will have to repeat some of the changes I have already suggested, though no new changes as to substance.

Except in Article 11(a) where the four parties are listed. We just want to say "the parties participating in the Paris Conference on Vietnam shall immediately designate . . ."

All the other changes in this chapter are to align the text of the duties with the text of the obligations in earlier paragraphs, and I won't repeat them. It is a purely technical issue.

The only substantive change, and again it is not major, is in the last paragraph where it says "The United States and the DRV will propose to the following parties that they participate." We want to say "The United States and the DRV on behalf of the parties participating in the Conference on Vietnam."

There is one other difference in translation. You say "propose to the following countries that they will participate in the International Conference," and we want to say "propose to the following parties." Our reason is that the Secretary General of the UN is not a country. [Laughter] I don't know whether the Ministers we have here have a different view on that subject.

Incidentally—this is not a subject of the agreement—our idea is that this conference should take place in Geneva. If it meets in Paris the delegations will be tempted to stay too long. [Laughter] It is not in the agreement.

Le Duc Tho: Not written.

Dr. Kissinger: No, not in the agreement. We can have an understanding about this. We are prepared to write it in the agreement, but it need not.

Now one other thing as to procedure about this international machinery. Our idea is that we agree on protocols. This is not to be

written in the agreement; it is just to tell you what our understanding is. Our recommendation—it is not a change, it is a procedural suggestion—our suggestion is that the protocols setting up these various commissions be signed on the same day we sign the agreement and, therefore, can start operating on the same day. Before we leave we will give you our proposed draft of these protocols. I mean before we leave here this week. And after we have the agreement finished we can perhaps discuss those protocols.

Le Duc Tho: After completion of the agreement. You mean the signing of the agreement?

Dr. Kissinger: No, after we here in this room agree on the text of an agreement we will give you the protocols that we propose I sign. And since I think it will take about 2½ weeks between our completion of our discussion here and the signature, then the details of the protocols should be worked out in that interval and completed by the time of the signature. This could be done at Avenue Kleber, but we could give instructions to them from here. We would prefer to complete the International Control Commission, actually, this week.

Chapter VII, Article 15, where it lists all the four countries by name, we simply want to say “the parties participating in the Paris Conference on Vietnam.” I will read the whole rest of it: “The parties participating in the Paris Conference on Vietnam reaffirm and shall strictly respect the 1954 Agreements on Cambodia and the 1962 Geneva Agreements on Laos and the Cambodian and the Laotian people’s fundamental national right as recognized therein, that is, the independence, sovereignty, unity . . .” just as it is.

Then in the next paragraph we again take out the names of the parties and just say “the parties participating in the Paris Conference on Vietnam.”

And then in the last line of it we will say “to encroach on the sovereignty and security of one another or of other countries.”

(b), No change.

(c), No change.

15(d) We propose saying “the problems existing between the Indochinese states.” And we want to add the following sentence, which is familiar to you, as the last sentence: “Among the problems that will be settled is the implementation of the principle that all armed forces of the states of Indochina should remain within their national frontiers.”

Chapter VIII. There is a translation difficulty. We said “in pursuance of its traditional policy” and you put in your translation “in that spirit,” which is not exactly the same meaning. And then we want to say “The United States contribution to heal the wounds of war and post-war reconstruction throughout Indochina including the Democratic Republic of Vietnam.”

No change in the next paragraph.

There has been a suggestion, which I wanted to discuss with the Special Adviser, whether we should make this chapter a separate agreement if it is a four party document. Since it includes our bilateral relations. But it is not a fixed opinion. It is for discussion. We have really not fully made up our minds.

Chapter IX. We would like to drop the French text.

Those are all our changes.

Le Duc Tho [Laughs]: So these are the technical changes, detailed changes, changes of the details?

Dr. Kissinger: Well, these are the changes we are proposing.

Le Duc Tho: Have you other problems to raise? Exhaust all your problems?

Dr. Kissinger: The other problems I wanted to raise I have already mentioned, the protocols. The other problem I want to raise is, now that we can make a schedule, how we can make the ceasefire in Laos more nearly simultaneous with the ceasefire in Vietnam, and how to handle the problem of Cambodia, on which we have a specific proposal.

Among the protocols we want to discuss is a protocol on the release of prisoners of war, which parallels what we have already discussed. We can give that to you tonight if you would like to see it. I don't think it has any substantive issues.

[Aside to Winston Lord]: Have you got a copy of it?

Mr. Lord is afraid that I will see it before he hands it to you. [Hands over US draft understanding on prisoners, Tab C.]

Le Duc Tho: Mr. Lord is in charge of the secrecy.

Dr. Kissinger: He is the Commissar of this group.

The only other item of business we have, which we do not believe is anything new, is simply to review the exchanges of understandings that have taken place. That we should do sometime this week, so that we can be sure we are both operating from the same texts. We can bring those with us tomorrow. They are not part of the agreement. We are also prepared to discuss—but I think that we should really have the fuller discussion in Hanoi—aspects of reconstruction and how that could be done. And we have a paper for your consideration.

Le Duc Tho: Please give us any documents that you want to discuss with us so that we can peruse it; we can study it.

Dr. Kissinger: Incidentally, about studying it, I wonder if you would find it helpful, if you would like one of my associates to meet with some of yours to go over these changes to make sure you have the correct text. Or do you think you have absorbed them correctly? We don't insist on it. Just to make sure.

This is our idea on the operation of the economic commission. [Hands over US paper on reconstruction, Tab D.] This isn't part of the agreement. This is a subsequent thing.

Le Duc Tho: Have you any other proposals?

Dr. Kissinger: No, I am sorry if I didn't give enough.

Le Duc Tho: [Laughs] It is too many already.

Dr. Kissinger: No, this is all. We will not make any other proposals.

Le Duc Tho: Please let me put a number of questions. Then afterwards we shall discuss how we should work tomorrow. So your intention is to have the agreement signed by the four parties and not by the two parties?

Dr. Kissinger: That is correct.

Le Duc Tho: Now after we reached agreement on the text of the agreement this week here, if we can agree on that—if not, that is another question—then you will need two weeks for the discussions of the protocol?

Dr. Kissinger: And for other consultations, which will be no easier than the ones with you.

Le Duc Tho: It is for my information.

Dr. Kissinger: I will tell you precisely what we intend to do. I do not again want to go to Saigon without having an agreement in principle because I am at a disadvantage when I sit there with a deadline running against me. So we will invite a representative from Saigon to meet with the President in Washington, and the President will take personal responsibility to put himself behind whatever agreement we achieve, so that they will hear it from him and not from me. Then we will send General Haig with that representative back to Saigon. Then when General Haig has finished his work, he will come back to Washington and I will go to Saigon. So by that time, by the time General Haig leaves Saigon the basic principles will be settled. If not, we leave him there and you can have him!

Then I will go to Saigon to complete whatever details need to be completed, go to Hanoi, then come back to America. And we believe this whole process can be completed—I hate to give another date—but we think it can be completed by December 15. Of course, it depends on what we achieve here this week. This time we will have had many weeks.

I hope you have good information from Saigon so that you know we have made a really great effort. We will continue to make, and we shall make, an absolutely maximum effort after we agree on the text this week. In any event, we will not come back to you after we have agreed this week and reopen the negotiations. But we think we will be successful. At any rate, now you know exactly what our plan is.

Our plan, in fact, is to take the emissary from Saigon on my plane back to Washington so that there can be no delay from here.

Le Duc Tho: Now the representative is waiting here?

Dr. Kissinger: He isn't here yet.

Le Duc Tho: Now let me ask you this question. If we reach agreement this week—if not, it is another question—but if we reach agreement this week then you will bring the representative of Saigon to Washington and then General Haig will go to Saigon and then you, yourself, will go to Saigon? I would like to ask that.

Dr. Kissinger: And if I survive that experience, I will go to Hanoi.

Le Duc Tho: Will the agreement be changed or not?

Dr. Kissinger: No, maybe very minor technical changes. [They laugh.] But let us say no. If we suggest anything you would have the right to refuse it. If we suggest anything it would have to be something Mr. Lord discovered.

Le Duc Tho: Then the agreement cannot be signed and the war will continue if changes are made.

Dr. Kissinger: No, but for example, say if we refer to paragraph 14 when we mean paragraph 12, you would permit us to change that. It is that sort of a change. There will not be another negotiation. But you must permit us to go through the procedure of consultation, and you must cooperate in this and not make any public statements about a completed agreement. If we change it, you will undoubtedly repeat what you did on October 26. But while we are in good faith going through this process we should have an understanding that there will be no public comment of any kind.

Le Duc Tho: If we reach agreement this time then the question of consultation is your right. It is your affair. But the main thing is that the agreements reached here should not be changed. As to the publication of the agreement, if you do not publish we will not. Is that true?

Dr. Kissinger: I suppose. Yes. You have learned too much from us.

Le Duc Tho: You are firm on that.

Dr. Kissinger: No, I agree. We will not publish it.

Le Duc Tho: But after we reach agreement here, when will the agreement be initialed?

Dr. Kissinger: I will go to Hanoi to discuss the post-war situation, and while I am there I will initial it.

Le Duc Tho: After the initialing of the agreement then there will be an announcement of the agreement reached or a publication?

Dr. Kissinger: I think what should be done is, after the initialing of the agreement, which should be done as a private—we should not have it on television all over Asia—after the initialing of the agreement

there would be an announcement maybe 48 hours later, 24 hours after I return to America. At that time the agreement should be published, then two or three days later, depending on transportation schedules, the Foreign Ministers should meet in Paris and sign the agreement. We think that the ceasefire should go into effect within a couple of hours after the announcement of the agreement, or maybe at Noon the following day.

Le Duc Tho: But the ceasefire will become effective after the signing of the agreement, not after the announcement of the agreement.

Dr. Kissinger: Yes, but we should observe the ceasefire. It would be a very bad thing if both sides at both the time of the signing and announcement would seize as much territory as possible, because the Foreign Ministers would then be meeting in Paris at the end of a period of maximum military activity. I think both sides should stop offensive activities as they have at various times during Tet—except 1968—and at Christmas, because it would be disastrous. It would be disastrous for our relationship if the announcement of peace would be followed by violent actions because we will certainly react very violently under those conditions; and that would start matters under the worst possible circumstances.

Le Duc Tho: So, but how many days after the initialing of the agreement do you intend to have the agreement signed?

Dr. Kissinger: I expect to have the agreement signed within three to four days.

Le Duc Tho: Now another question. In your messages to us, in one message you said that immediately after we reached agreement here then the bombing of North Vietnam would be immediately stopped, but in another message you said the bombing would be stopped within 48 hours after we reached agreement here. There is a discrepancy.

Dr. Kissinger: I think 48 hours is correct for technical reasons, because I have to get back to Washington. I have to get technical approval.

Le Duc Tho: After we reach agreement here?

Dr. Kissinger: Yes, I have to get authority. I have to check how our command structure operates.

Le Duc Tho: Now I have another question. You requested two weeks for the discussion of the protocols. If agreements can be reached on the protocol, it is all right, but in case agreement cannot be reached within this time limit, I would like to ask whether this affects the initialing date of the agreement and the signing of the agreement.

Dr. Kissinger: Our idea is that they should be brought into operation simultaneously. It won't be any easier after the agreement. I would think the Special Adviser would like this carefully-designed craftsman-

ship of his in action. This is our idea. But we can see when we look at the protocols this week whether the difficulties will be really so great. We don't think they will be so great. But our idea is they should all be signed the same day. And for our planning purposes—don't hold me to this now; again I am getting very nervous—but we are planning for December 15 for the signing.

Le Duc Tho: This is the sum of our questions. Now I would like to ask questions on two subjects on which I am not clear yet. You raised the question of ceasefire in Laos and you want it nearly simultaneously with the ceasefire in Vietnam. What is your view?

Dr. Kissinger: Our idea is this: Assuming we agree this week, and assuming we plan for December 15 as a date, it would give three weeks for the negotiations in Laos to be completed. So that they could be reasonably completed about the same time, give or take a day, as the ceasefire in Vietnam, because we have already agreed to do it within 30 days.

Le Duc Tho: 30 days after the ceasefire in Vietnam.

Dr. Kissinger: Yes, that is what we understood, but that was when we were working on a very accelerated time schedule. But since we know it apparently can be done in 30 days, since the parties have already been meeting, if both of us encourage our friends to begin an accelerated procedure now, it would give them three weeks to do it and then the ceasefire could go into effect the day of the signing here.

Le Duc Tho: It is too fast.

Dr. Kissinger: Why? If we had signed on October 31 we would already be approaching a ceasefire in Laos now.

Le Duc Tho: Unfortunately you didn't keep your promise to sign the agreement on October the 31st, because if you had the ceasefire in Laos would have been 30 days. It is only one of my questions.

Dr. Kissinger: But in October you had a good argument: that the two parties had just met, that it would take some time for them to begin their negotiations, and that since we were on an accelerated schedule we should not impose the same schedule on them. That was a reasonable argument in October. But now the two parties in Laos have been meeting, they are in contact, and I think we should begin counting the 30 days from the time we agree here.

Le Duc Tho: This is my question for my information. We shall discuss this question in two or three days time.

Dr. Kissinger: Of course, but what we should really consider, Mr. Special Adviser, is this: There are great temptations on both sides to try to get this or that advantage in these last periods. The difficulty is that it is a very shortsighted view. I apply this also to us. If one tries to get advantage in a particular area. Take the case of Laos or

Cambodia—we will shift all our air force into Laos and Cambodia. At the same time when everybody should be thinking about peace you will have tremendous military actions in other parts of Indochina, and I think the best way to begin a new period is to stop all military activity. When that is done, we can begin a new era in our relations. A year after that all conditions will look different. Certainly we will try to demonstrate that we are determined to maintain our position; we will use massive air efforts in the other countries. Your people will become suspicious. Our people will become suspicious. There will be a very unfortunate situation and I don't see what can be gained in a situation like that.

Le Duc Tho: These are my questions for information. I have not stated my views yet.

Dr. Kissinger: I understand.

Le Duc Tho: Now let me have another question. What is your intention with regard to Cambodia? What is your concrete proposal?

Dr. Kissinger: Our concrete proposal is as follows: We will recommend to our friends in Cambodia, and we believe that they will accept, that on the day the ceasefire goes into effect in South Vietnam they will declare an end to all offensive operations in Cambodia. And we believe the same thing should be done on your side.

Le Duc Tho: So there will be unilateral statement of a ceasefire on your part?

Dr. Kissinger: Yes, but obviously it cannot be maintained if it is not reciprocated.

Le Duc Tho: Have you other proposals? This is one of your proposals, but have you others?

Dr. Kissinger: On Cambodia?

Le Duc Tho: Yes, on Cambodia.

Dr. Kissinger: Well, we also believe it might be good to restore the International Control Commission to activity in Cambodia. And also we believe that as a result of this the government in Phnom Penh will be prepared to begin negotiations with the Khmer Rouge, or whatever they call themselves now.

Now I have expressed our views on this matter, and also on the dangerous consequences of the continuation of the war, to the Chinese Vice Foreign Minister in the United States—in case they have any visitors to whom they would like to convey our thoughts.

Le Duc Tho: Who will visit Peking?

Dr. Kissinger: Who will visit Peking? Well, there are all kinds of people living there who talk too. [Laughter] I think the Minister knows who I mean. I was talking more of permanent guests; not temporary

visitors. And I also explained to him that after some period of tranquility political negotiations in the general framework look much more promising, but that a period of tranquility was necessary before this could take place.

Le Duc Tho: And what did the Vice Foreign Minister of China reply to you?

Dr. Kissinger: You were just in Peking.

Le Duc Tho: I would like to know what Chiao Kuan-hua said to you.

Dr. Kissinger: My impression always is that when people don't contradict me, they agree with me, but they may simply be polite. My impression was that there was understanding for our position, quite honestly, but I do not want to speak for the Chinese. What did they tell you? [Laughter]

Le Duc Tho: They said the national fundamental right of each people should be respected, because of the significance of the problems in each country comes under the national right of each people. All right.

Dr. Kissinger: I like advice of such precision. [Laughter]

Le Duc Tho: So you have finished the presentation of your changes to the agreement?

Dr. Kissinger: Exactly.

Dr. Kissinger: That is correct. Mr. Special Adviser, I have completed the presentation of the agreement. But I have pointed out to you before on this issue of the troops. First of all it may be that you have a more ingenious idea than I do. Secondly we still expect some de facto movement in this context, which does not have to be reflected in a description but should be noticeable. This I have said before. But this now really completes everything. This is all I am going to say.

Le Duc Tho: Which armed forces do you mean?

Dr. Kissinger: The ones that I have always so much on my mind. [Laughter]

Le Duc Tho: They are always haunting your mind? [Laughter]

Dr. Kissinger: That is right. But this is in effect all. It is in the proposal really.

Le Duc Tho: And at the same time I have expressed my views in our discussion. Besides the agreements, your proposals on Laos and Cambodia, on the protocol, on the schedule, they are all your proposals?

Dr. Kissinger: That is right. Now we maintain the understandings we already worked out previously, and we will bring you our text of them tomorrow. We have already exchanged them. We just review them for completeness.

Le Duc Tho: But the formulation, the wording of your understanding should be agreed. It should not be formulated according to your subjective ideas.

Dr. Kissinger: No, what we will do is just quote from the message we sent you and the messages you sent back to us. We will make the understanding the exact text of the two messages.

Le Duc Tho: And if it is something unilateral, maybe we shall just hand you the understanding.

Dr. Kissinger: That is right, and we will do the same thing. But in an objective way.

Le Duc Tho: We are always correct in our view.

Dr. Kissinger: See, in the West only the Pope is infallible.

Xuan Thuy: But the Pope makes mistakes!

Dr. Kissinger: You can't say this in front of General Haig. He is a Catholic.

Le Duc Tho: No regarding the protocols. Have you any other documents to hand us?

Dr. Kissinger: Tomorrow.

Le Duc Tho: Now let me propose the following way of working. Tomorrow I propose we shall meet in the afternoon, 3 o'clock, so as to have time to study the documents in the morning, and tomorrow I shall express my views.

First of all we should discuss and complete the agreement.

Dr. Kissinger: I agree.

Le Duc Tho: After the completion of the agreement then we shall discuss the schedule of work and the plan of work.

Dr. Kissinger: And the protocols.

Le Duc Tho: How to discuss and the question how to sign the agreement, you propose to discuss them. We shall discuss the problems you have raised. So tomorrow afternoon we shall go directly to the agreement.

Dr. Kissinger: All right.

Le Duc Tho: And then we will discuss the problems outside of the agreement that you have proposed. So we shall complete these two items tomorrow.

Dr. Kissinger: Tomorrow.

Le Duc Tho: To begin discussion tomorrow, and then we shall discuss the schedule, the way to discuss the protocols. But you have raised many questions. There are technical questions but there are also substantive questions and major questions, principle questions.

Dr. Kissinger: That is a metaphysical issue; what is substantive and what is technical.

Le Duc Tho: But you are a metaphysical philosopher. Therefore, you should make a great effort. Of course, we shall make an effort but it should be a great effort because there are questions.

Dr. Kissinger: May I say something to the Special Adviser? These may look like many changes to you but we have already made a great effort in reducing the changes to what we consider a minimum level. We have advice that urges us to go much further.

Le Duc Tho: Because if you bring more changes the agreement will be upset.

Dr. Kissinger: No, I understand. We have made . . .

Le Duc Tho: But as I understand, Mr. Special Adviser should make further effort and only in this way can we settle the problem.

Dr. Kissinger: I agree with you.

Le Duc Tho: And as I understand this is not yet your final proposal?

Dr. Kissinger: I would put it this way. It is our final proposal but it is not an ultimatum.

Le Duc Tho: [Laughs] Because if this is not your final proposal, your unchangeable proposal, then no settlement is possible.

Dr. Kissinger: No, we will discuss tomorrow and we will discuss in a constructive spirit on both sides.

Le Duc Tho: Only in this way can problems be settled.

Dr. Kissinger: Do you think, Mr. Special Adviser—just to make sure that there is a correct understanding on your side of everything we have said—that our experts should get together this evening and just review what I have given you? Or do you believe you are sufficiently confident? Just to make sure there is no misunderstanding.

Le Duc Tho: I agree.

Dr. Kissinger: So they should meet.

Le Duc Tho: The experts may begin their work this evening.

Dr. Kissinger: All right. Do you want to fix a time?

Le Duc Tho: 7 o'clock; 7:30.

Dr. Kissinger: 7:30. We say 7:30. Where?

Le Duc Tho: At the house is all right.

Dr. Kissinger: At the house, yes, where we first met.

Le Duc Tho: They have photographs of you [pointing to Lord and Engel].

Dr. Kissinger: Shall we meet here tomorrow or what?

Le Duc Tho: Here.

Dr. Kissinger: Do you like all the photographers outside? Will you come out with me and grab me by my coat now? Or take me to the door and throw me out? [Laughter]

Le Duc Tho: After the agreement, it is something to keep as a memorial.

Dr. Kissinger: I appreciate the spirit in which you conducted this discussion, Mr. Special Adviser. I recognize it was not an easy matter

for you to come back here, and we are not taking it lightly either. I have to say, Mr. Special Adviser, one of these things [the gifts] is a pen which you can use only for the initialing of the agreement.

Le Duc Tho: So you have realized that you will make an effort so you should do it soon.

Dr. Kissinger: I recognize that.

[The meeting adjourned.]

27. Memorandum of Conversation¹

Paris, November 21, 1972, 3:02–7:26 p.m.

PARTICIPANTS

Le Duc Tho, Special Advisor to DRV Delegation to the Paris Peace Talks
Xuan Thuy, Minister, Chief DRV Delegate to Paris Peace Talks
Nguyen Co Thach, Vice Minister for Foreign Affairs
Phan Hien, Delegation Member
Luu Van Loi, Delegation Member
Trinh Ngoc Thai, Delegation Member

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam Negotiations, Sensitive, Camp David, Vol. XXI, Minutes of Meetings. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at 108 Avenue du Général Leclerc in Gif-sur-Yvette. All brackets are in the original. The tabs are attached but not printed.

Le Duc Tho made the following report to the Politburo:

"We criticized Kissinger's suggested changes to the Agreement and raised four matters of principle:

"+"The Agreement must include the name of the Provisional Revolutionary Government of the Republic of South Vietnam along with the names of the other governments participating in the agreement.

"+"The areas controlled by the two sides must be clearly delineated.

"+"No withdrawal of North Vietnamese troops.

"+"Article IV must mention the South Vietnamese people's right to determine their own future." (Message from Le Duc Tho and Xuan Thuy to the Politburo, 21 November 1972, in Doan Duc, et al., compilers, *Major Events: The Diplomatic Struggle and International Activities during the Resistance War Against the Americans to Save the Nation, 1954–1975*, volume 4, p. 350)

On November 22, Kissinger reported to the President, describing the North Vietnamese response to the 69 proposed changes as follows:

"—They accepted a few changes which were slanted primarily in the direction of preserving U.S. prestige or adopting technical improvements.

"—They demonstrated absolutely no substantive give and in fact drastically hardened their position on the political conditions, the problem of political prisoners, and the presence of U.S. civilian personnel in South Vietnam following the 60-day withdrawal period.

Tran Quang Co, Delegation Member
Pham The Dong, Notetaker
Nguyen Dinh Phuong, Interpreter

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
Major General Alexander M. Haig, Jr., Deputy Assistant to the President for

National Security Affairs
Ambassador William Sullivan, Deputy Assistant Secretary of State
Winston Lord, NSC Staff
John D. Negroponte, NSC Staff
David A. Engel, NSC Staff, Interpreter
Peter W. Rodman, NSC Staff
Julienne L. Pineau, Notetaker

Dr. Kissinger: We're going to have some casualties on the trip out here with these motorcyclists following us.

Le Duc Tho: I propose that today we work until 7:00 so that I may have some time to relax, and tomorrow morning we can begin our work sooner.

Dr. Kissinger: No, I would recommend, Mr. Special Advisor . . . I am going to Brussels tonight to see President Suharto of Indonesia to discuss with him the International Commission. And I will not be back till 10:00. We could meet at 11:30 tomorrow. Is that agreeable? And maybe even a little earlier. I will be back in Paris at 10:00, at Orly at 10:00. We could say 11:00 if you will understand if I am a few minutes late, if there's some airplane delay.

Le Duc Tho: All right, never mind.

Dr. Kissinger: Good.

Le Duc Tho: Let me now express my views. We have carefully read the changes you proposed to the agreement. And the questions you wanted to have a unilateral understanding, regarding Laos and Cambodia. At the same time we have considered the schedule you proposed. Today I would like to speak about three questions: first, regarding the changes you proposed to the agreement; second, to the

"—In several important areas they returned to former (pre-October 8) negotiating positions."

Kissinger continued:

"It is patently clear that in typical Communist fashion they have hardened their position in order to neutralize the many changes we have asked of them. It is now apparent that we have some very difficult negotiations ahead of us which will probably keep us here for the remainder of the week." He continued: "During tomorrow's session we will attempt to reduce the now-serious areas of difference and focus more clearly on the more crucial changes which we must have. The task ahead is a considerable one but it is still obvious that the North Vietnamese do want a settlement. One of the main difficulties now will be to convince Saigon of the urgent necessity of dropping their petty demands and the need to focus on the few really critical issues." (*Foreign Relations*, 1969–1976, vol. IX, Vietnam, October 1972–January 1973, Document 116)

questions on the unilateral understandings you have raised, and third I will express my views on the schedule.

The agreements we have reached so far result from great efforts from our part and also result from efforts on your part at the beginning. Because of these efforts we have completed the agreements. Afterward you said on behalf of the President of the United States that the agreements might be considered as completed, and in your message you addressed to us in reply to our message you also acknowledged that the unilateral understandings of ours have met all your concerns. And you also promised to us that there would be no substantive changes and no changes of principle. Vice President Agnew himself in answering to an interview of the Agency ABC on October 29 acknowledged that it be necessary to clarify a number of questions, but there is no question about the substantive problems.

But now that we have studied the changes you proposed we realize that these changes are not changes of detail and technical changes but these are a number of changes of principle and substantive changes. These are great and important changes. And we have repeatedly told you that changes of principle and substantive changes are unacceptable to us.

The first question I would like to raise now is the role of the Provisional Revolutionary Government of the Republic of South Vietnam mentioned in the agreement. According to your proposed changes, throughout the text of the agreement there is no mention at all of the role of the Provisional Revolutionary Government of the Government of South Vietnam. In every place you said only “the parties participating in the Paris conference on Vietnam . . .” In practice, on the battlefield of South Vietnam, no one can deny the reality that there are in South Vietnam two administrations, two armies, two regions controlled by the two parties. And in the course of our talks here with you you yourself on many occasions recognized that there are two administrations, two armies, two different regions in South Vietnam.

The role played by the PRG on the international scene is also very great. Not only the PRG has established diplomatic relations with many countries, but the Conference of Non-Aligned Countries, in which over 60 countries participated, recognized the PRG as an official member of the Conference instead of the Saigon Administration.

In the face of this reality, not only of South Vietnam but also on the international scene, you cannot deny this reality, in reality and practice and in the text of the agreement, the role played by the PRG.

The second question I would like to raise. Because of your denial of the role of the PRG you propose a change to Article 3(b). You proposed that the Joint Military Commission shall determine “the areas and modalities of stationing of each party’s forces,” instead of “the

areas controlled by each party." In reality in South Vietnam there are three categories of regions. First, the regions controlled by the PRG; second, the regions controlled by the Saigon Administration; and third, a great number of regions are zones of contention.

Therefore it cannot be mentioned only on the areas and stationings of each party's forces. But it should be mentioned about areas controlled by each party. This is a situation of reality no one can deny.

The third question I would like to raise is the question Dr. Kissinger often says he was haunted by, that is the so-called question of withdrawal of North Vietnamese forces.

Dr. Kissinger: Did he say "the so-called question" or the "so-called North Vietnamese forces?"

Le Duc Tho: "So-called North Vietnamese forces." Because this is how you call, we have never recognized that. Over the past four years probably I have spent a great deal of effort to speak about this question and in records we have probably they are piling up papers on this question. There are many legitimate reasons for us not to agree to the raising of this question. The most legitimate reason is that since our country is subject to aggression, since you have brought troops for this aggression and moreover you scrapped the 1954 Geneva Agreement, then we, our entire people, have to stand up against this aggression. Not only the people of North Vietnam but also in South Vietnam and the people throughout the world approves this as legitimate. And therefore this is the reason why we can't accept the so-called question of North Vietnamese troops in South Vietnam. So there is no reason for raising this question. Politically, legally speaking, it is so.

What is the reason why you raise this question? On the one hand you want to weaken the forces of the PRG; on the other hand you strengthen the forces of the Saigon Administration. You equip them with armaments so that you may strengthen the forces of the Saigon Administration in order to annihilate the revolutionary forces of the PRG. Therefore this approach and this solution to the problem is unfair and illogical. And in order to settle this question in a fair and reasonable way we have proposed that the two parties will agree on the reduction of the effectives of each party's forces and the demobilization of the troops being reduced. And this solution have been agreed to by you at our last meeting and this has been written in the agreement.

Now I would like to speak on the fourth question, regarding the whole Chapter IV about the Exercise of the South Vietnamese People's Right to Self-Determination.

Before coming to that I would like to add these words. Even Vice President Agnew, whom American press consider to be the hawkish personality . . .

Dr. Kissinger: I think the Special Advisor is making provisions for 1976 already. [Laughter]

Le Duc Tho: Even Vice President Agnew himself said that the so-called question of withdrawal of North Vietnamese forces was not raised by the United States. Because he said we have shown good will not to demand the formation of a three-segment Government of National Concord.

Dr. Kissinger: We'll have to fire his speech writer. [Laughter] That's what happens when people are running around outside Washington during a campaign.

Le Duc Tho: So you see that we have legitimate reasons for not answering this question.

Dr. Kissinger: I understand. I understand your point; I haven't agreed with it.

Le Duc Tho: If you have understood, then I . . .

Dr. Kissinger: No, no, please go ahead. I will tell Vice President Agnew that he has become a household word in North Vietnam. [Laughter]

Le Duc Tho: Because Vice President Agnew's statement is consonant with reality and he himself could not deny that reality.

Now let me return to Chapter IV, regarding the Exercise of the South Vietnamese People's Right to Self-Determination. We can say that as a result of this chapter we have made very great effort. As you understand, on the political field in South Vietnam there are two great questions. They are the question of three-segment government of coalition and the question of the resignation of Mr. Nguyen Van Thieu. Over the past four years of negotiation we have been consistently raising these two questions. But in the course of our negotiations on October 8 we no longer raised these two questions. And so doing we have shown very great good will and we have resolved this question as we have formulated the provision of the agreement. Now you want to change the agreement we have reached. You want to qualify the National Council of National Reconciliation and Concord as an administrative organ and you no longer want that this Council be organized at lower levels. The question of general elections you change into "national" elections—very vague terms.

So these are not changes of details—these are not technical changes but these are political substantive changes. In consequence we will never accept them.

Now if we review these proposals of yours, what is your intention? On the one hand you are unwilling to recognize in an official way, in writing, in the text of the agreement, the role of the PRG. Second, you want the withdrawal of so-called North Vietnamese troops from South

Vietnam. Then you want to strengthen the forces of the Saigon Administration. You deny the regions controlled by the PRG of the Republic of South Vietnam.

Regarding the right to self-determination of the South Vietnamese people you have brought changes to draw this chapter to the lowest level and to remove all political significance of this chapter.

And so we can say that you want to accumulate all the advantage to your side and it is not a solution that is reasonable and logical. These are very great questions. These are questions of substance and principle, [on] which we can't accept your proposals. It is definitely so. And therefore if you don't bring about a correct solution to these problems and you do not show good will in solving this question, then the agreement cannot be signed. These questions are questions of principle and substance which you have promised not to change.

Besides these great questions there are a number of concrete questions you have proposed to change in the agreement. Among these questions there are some we can consider; there are others [on which] we will maintain our stand.

Now let me go into the concrete points of the agreement, which ones we can't agree. I shall express my views to you.

Dr. Kissinger: In the same spirit we discussed yesterday, that this is not an ultimatum.

Le Duc Tho: The ultimatum always comes from your side. As for us, we have stuck to reasonableness. As to a number of concrete points in the agreement, I may have some concessions.

Dr. Kissinger: Why don't we go through it and then I will reply and then we will see.

Le Duc Tho: Originally you proposed the signature of the agreement by the two parties. We agreed to that. Now you propose that the agreement be signed by four parties. We agree to that. Therefore we can have the agreement signed by the two parties and also by the four parties as you mentioned. This is our stand, our point of view, and you can count on it. Because these are the points of view which you have agreed to. Therefore I reiterate. If the agreement will be signed by the two parties, then the Preamble will remain as it is, but if the agreement is signed by the four parties we would propose the enumeration of the Government of the Democratic Republic of Vietnam, the Provisional Revolutionary Government of the Republic of South Vietnam, the Government of the United States of America and the Government of the Republic of Vietnam. These four parties to the agreement have been recognized at the very beginning of the Paris conference on Vietnam since 1968. And when the agreement is completed it may be signed by the four Foreign Ministers. And therefore we think it correct

to enumerate the four parties. The reason you are unwilling to enumerate the governments is that you have some political intention—you do not want to mention about the Provisional Revolutionary Government. Therefore we mention the four governments.

Dr. Kissinger: If the Special Advisor permits I will answer at the end.

Le Duc Tho: Enumerate the four parties.

Dr. Kissinger: I understand. But I will not answer each question. I will answer when he is finished, if that's all right with you.

Le Duc Tho: Yes, let me finish my presentation.

Dr. Kissinger: Yes, you finish and then I will comment.

Le Duc Tho: Now Chapter I, regarding the Vietnamese People's Fundamental National Rights. The original text of Article 1 is that "the United States respects the independence, sovereignty, unity and territorial integrity of Vietnam as recognized by the 1954 Geneva Agreement on Vietnam." In reality in fact the U.S. has made aggression against our country and now the United States disengages itself from it, so the question of the U.S. respecting the independence, sovereignty, unity and territorial integrity is a fact which we have agreed to. It is something real, factual. But now in the agreement you want to drop the word "United States" and you want to amend and say "shall be respected by all countries." But we take into consideration of your views and we take into consideration the honor you often refer to. Therefore we agree to that and the article will be written as follows: "All countries shall respect the independence, sovereignty, unity and territorial integrity of Vietnam as recognized by the 1954 Geneva Agreement." This is not a small political question.

Dr. Kissinger: I understand.

Le Duc Tho: You should realize that and you should make concessions to us on other points. Chapter II . . .

Dr. Kissinger: The Special Advisor still owes me 8 days. I made a concession of seven and a half days at one point for which he never made reciprocity. [Laughter] No, I understand—we will proceed in a similar spirit.

Le Duc Tho: Now, regarding Chapter II on the Cessation of Hostilities and Withdrawal of Troops. I agree to your suggestion that we mention only GMT. It is good will on our part. [Laughter] The mention of GMT is understood by us, but the common Vietnamese, they may not understand.

Dr. Kissinger: I know what will happen. They will fight on for six more weeks and claim that is Greenwich Mean Time in North Vietnam. [Laughter]

Le Duc Tho: The same, Article 2. You are much worried about "the cessation of hostilities shall be without limit of time" and we have put

in a Vietnamese version that the cessation of hostilities is “long-lasting and durable”. It does not mean that we stick to these words so that we can resume the fighting. It is certain. But stylistically speaking, in the Vietnamese language, when Vietnamese write “durable and long-lasting” it means very long-lasting and very durable in the Vietnamese language.

Dr. Kissinger: But that is a metaphysical question. What is durable and what is long-lasting? Volumes have been written about it. While if you put down “unending” everyone understands what it means.

Le Duc Tho: You are always referring to metaphysics. But if now you stick to the words “without limit of time” in Vietnamese, we have no objection. Because even if we put down “without limit of time”, if we don’t fight then we don’t fight; if we fight then we fight. [Laughter]

Dr. Kissinger: No, I know you would never break an agreement.

Xuan Thuy: You know the Geneva Agreements of 1954 and 1962, they have used much stronger words but the sabotage of the reunification is not our fault.

Dr. Kissinger: That was the Minister’s work. We’ll take you to court if you break this agreement. We’ll stand on the DMZ waving a piece of paper at you. [Laughter]

Le Duc Tho: But probably we shall go to court before you. The main thing lies in the point whether we want peace or war.

Dr. Kissinger: Absolutely, I agree completely. That is the absolutely key issue.

Le Duc Tho: The fundamental thing—the basic thing.

Dr. Kissinger: I agree completely.

Le Duc Tho: Now Article 3. You propose now the wording that “the United States and all other non-South Vietnamese forces shall remain in place.” The amendment of “all other non-South Vietnamese forces”—in our mind you imply the so-called North Vietnamese forces.

Dr. Kissinger: I don’t know how you could get such an idea. It shows your suspicious nature!

Le Duc Tho: I don’t know whether I have understood you correctly. But the suspicion here is justifiable. Therefore, we maintain the wording “United States forces and those of the other countries . . .”

Dr. Kissinger: Let me explain our problem here, just so we can see whether we can solve it in some other way.

Le Duc Tho: You may express your views later. Is that all right?

Dr. Kissinger: It’s hard for me to be silent so long. [Laughter]

Le Duc Tho: You are too eager and impatient.

Dr. Kissinger: Yes, that is true.

Le Duc Tho: You should cool down. [Laughter]

Dr. Kissinger: I will remember that when it comes to signing the agreement.

Le Duc Tho: Now regarding 3(b). Regarding 3(b), "The armed forces of the two South Vietnamese Parties shall remain in-place. The Two-Party Joint Military Commission shall determine areas controlled by each party and the modalities of stationing." But you want to delete the words "controlled by each party." I have explained to you that there are regions controlled by each party of South Vietnam.

Dr. Kissinger: You maintain that we keep in "controlled by each party."

Le Duc Tho: I maintain as it was.

Dr. Kissinger: All right. I don't think, if I may say so, that your reinforcements are an entirely good influence on you, Mr. Special Advisor. [Laughter]

Le Duc Tho: Ambassador Sullivan is also a reinforcement.

Dr. Kissinger: He is not a good influence either.

Le Duc Tho: In Article 4, [reading] "The U.S. will not continue its military involvement or intervene in the internal affairs of South Vietnam." You want to delete "or intervene in the internal affairs of." We think we will maintain this article. If you feel that the place of this article is not correct, then we will put it in Chapter IV.

Dr. Kissinger: All right. I mean I understand. You have two problems with me, my level of comprehension and my willingness to agree. The former is even a bigger problem than the latter. [Laughter]

Le Duc Tho: Yes, I have been negotiating with you for a long time and I understand that you have two ways of comprehending, but these are related, these two ways.

Dr. Kissinger: I just hope you never write a book about me. I always say nice things about you publicly. The Minister the other day made a very friendly comment, which I appreciated.

Le Duc Tho: But I have never mentioned any things of you personally.

Dr. Kissinger: No, that is true. My father agreed with what the Minister said about me. [Laughter] Please.

Le Duc Tho: Now regarding Article 5. On Article 5 we have agreed, both sides, on the text. Now there have been new events, new situations. Of late you have sent civilian personnel into South Vietnam to do military jobs. Therefore we would like to add after the words "within 60 days of the signing of this agreement there will be a total withdrawal from South Vietnam of troops, military advisers, and military personnel, including technical personnel, military personnel associated with the pacification program . . ." We would like to add here: "and civilian

personnel associated with the military training, supply, maintenance, storing, use and repair of war material.” And it is also mentioned in the Geneva Agreement of 1962 on Laos. Probably Ambassador Sullivan still remembers.

Dr. Kissinger: Can you give that to us again?

Le Duc Tho: After “the military personnel associated with the pacification program” we would like to add: “civilian personnel associated with the military training, supply, maintenance, storing, use and repair of war material.”

In the same article there is also “the withdrawal of U.S. and all other non-South Vietnamese forces” instead of “the other countries allied with the United States and the Republic of Vietnam.” We maintain the other formulation for reasons I have mentioned.

Dr. Kissinger: I thought the Special Advisor wouldn’t find that clause.

Le Duc Tho: I paid attention to this clause.

Now Article 7, “From the enforcement of the ceasefire to the formation of the government provided for in Article 9(b) and 9(i) of this agreement.” We would like to maintain the former formulation instead of the amendment “to the completion of the political process provided for in Article 9(b).” Because the words “completion of the political process” is too vague.

Now, regarding the Article 7, regarding the replacement of armament. Now you wanted to add “war material which have been destroyed, damaged, worn out and used up.”

Dr. Kissinger: In deference to the Minister.

Le Duc Tho: We agree to the words “destroyed, damaged and worn out,” but we disagree to “used up” because here it involves replacement. Because the replacements would be allowed for material destroyed, damaged and worn out, but if it is used up and new material is introduced, then the war will continue. Replacement applies to what has been destroyed, damaged, and worn out. But we have taken into consideration your views; therefore we accept the addition of the word “destroyed.” Because in your message you have agreed to our formulation of Article 7, you completely agreed to that. But now you wanted to add something new. We agree to the word “destroyed,” but it should have been after the agreement that no change should be made.

Dr. Kissinger: You don’t want me to speak now, so I will wait.

Le Duc Tho: Be patient, Mr. Special Advisor.

Now, Chapter III, The Return of Captured Military Personnel and Foreign Civilians of the Parties. This is the title of the chapter, your title of the chapter. We propose the title of the chapter “The Return of Captured and Detained People of the Parties.” This is the title of it.

For us it is a very great problem. Mr. Special Advisor knows that we discussed last time for 17 hours and I think that this question accounted for 7 hours. But at last it remained unsolved. It was 2:00 in the morning—I told you that we should put aside this question. I did want to complete the agreement on that day. But sentimentally speaking and logically speaking, morally speaking, we could not agree to it. Then Minister Xuan Thuy continued to discuss with you. Probably the discussion of that question accounted for the greater part of your discussion that day. [Xuan Thuy nods.] But it remained unsolved.

What is the reason why in Hanoi we agreed to your proposal in answer to your message? Because we wanted the agreement to be signed in accordance with the date we proposed. Therefore we made a great effort on that score. Therefore we replied to you and informed you of that agreement, but on condition that the agreement be signed on the fixed day and the war should have been completed. Now the situation is different. Now that you did not sign the agreement on the fixed date, now the question is tabled again. And in our view this is a question that suffers no concession. Please consider, in any war throughout history, do you see any case where after the war is ended, one side returns the captured people and the other side continues to detain the captured people? Of course if one side retains the captives the other side will do the same also. It is something fair and logical. Therefore, in our view, when the war is ended the different parties should return all the captives, military as well as civilians.

What is more inhumane than that after the war is ended the people involved in the war continue to remain in jails? You should understand that American prisoners have remained in camps for seven years, but compare it to Vietnamese prisoners in South Vietnam—they have a great deal much more suffering than the American prisoners, and please think after the end of the war these people continue to remain in jail. You should understand, I myself and Minister Xuan Thuy, we spent tens of years in jails—we deeply understand and we deeply sympathize with these prisoners who are in jail in South Vietnam now. I tell you this so you can understand my sentiments, legitimate sentiments.

Therefore I think that if this question is not solved the agreement cannot be solved. And if this question remains unsolved not only the Vietnamese people but people throughout the world will be indignant at it. And I also think that people of conscience in America, when they see that this question remains unsolved, it will be unbearable for them.

Therefore we think that you are responsible for solving this question and not to revert the question to the Saigon people because these are direct negotiations between us and you. And moreover, if I remember well, the U.S. has spent a great deal of money to build jails in

Saigon, in South Vietnam. And there are also American advisors in the managing of the jails, and after investigation by a delegation of your House of Representatives this question has been brought to light. Therefore I think that you should solve this question. It is something fair and it should have a fair and reasonable solution. I have told you lengthily on this question so that you have understood me.

Therefore I propose an amendment to this Chapter III. If now the agreement is signed by the four parties, then the four parties should return all military and civilian personnel of the other parties. Therefore 8(c) is no longer necessary.

Now Chapter IV is a very important chapter.

Dr. Kissinger: Do you have a text?

Le Duc Tho: [Hands over DRV redraft of Chapter III, Tab A.] Regarding the Exercise of the South Vietnamese People's Right to Self-Determination. I have expressed my views at the beginning of this chapter. It can be said that we have made the greatest effort on that chapter. These efforts are undeniable. So we maintain the agreements that have been reached in the main. Now let me go into the detail on that chapter. As to the arrangements of that chapter, I agree to your suggestion.

Dr. Kissinger: Let me negotiate for a minute with my staff.

Le Duc Tho: As to the arrangement, the order of articles, I agree to that. Now let me go article by article, consider article by article. Article 9, you propose to write at the beginning of Article 9: "The parties undertake". We propose that "The Government of the DRV and the Government of the U.S. of America undertake". Now you propose to write "The parties undertake".

Dr. Kissinger: I understand your point; you want to say "The Government of the U.S. and the Government of the DRV" instead. Go ahead.

Le Duc Tho: Now regarding 9(b), you propose to put "national elections." We would like to maintain "general elections." Because it is not clear if we use the words "national elections." Because if it involves an election in all the communes, all the villages of South Vietnam, then you can call it "national elections." If it involves elections in all the provinces of South Vietnam you can call it "national elections." But as I understand, if you use "general elections" then the general elections will elect the institutions of the whole country. And in South Vietnam there should be general elections to elect the institutions of South Vietnam. Sooner or later there will be such elections. It cannot be that the Nguyen Van Thieu administration will remain in existence forever through fraudulent elections.

In Article 9(c), the formulation of 9(c) that "The U.S. declares that it is not committed to any political tendency or personality in South

Vietnam.” But taking into consideration the honor you often refer to—moreover we think that once the agreement is signed then a new relationship will be opened between us and the United States—however we do not accept wholly your amendment.

Dr. Kissinger: You raised my hopes there for a minute, Mr. Special Advisor.

We’ll have one good 17-hour session before this week is over. [Laughter]

Le Duc Tho: I will be strong enough to talk with you for such a long session. But for specific additions it is not necessary to have such a long session.

Dr. Kissinger: No, I agree.

Le Duc Tho: “Foreign countries shall not impose any political tendency or personality on the South Vietnamese people.” Now Article 11.

Dr. Kissinger: It means only Vietnamese can impose governments on each other! [Laughter]

Le Duc Tho: Because the South Vietnamese will elect, will participate in general elections. If something is established, it will be established by the people. No one has power over them.

Dr. Kissinger: I understand.

Le Duc Tho: Article 11. You have dropped “of the people” after “insuring the democratic liberties.” We maintain “of the people.” We think it correct to put “of the people.” Because it does not involve democratic liberties of the leaders only!

Dr. Kissinger: Right.

Le Duc Tho: Now in Article 12 you propose that the wording to “set up an administrative organ called the National Council of National Reconciliation and Concord.” We would like to maintain the wording “to set up an administrative structure called the National Council of National Reconciliation and Concord.” Here I would like to add these comments. Here the National Council of National Reconciliation and Concord definitely is not a government. It is not a government with three components, with three segments. Because a government would have full authority to deal with internal affairs as well as external affairs. It would have its constitution, its army, its security organs. It builds up the economy, maintains diplomatic relations with many countries. So the Council here is not a government, it is clear. And it is not a camouflaged government as Nguyen Van Thieu says.

But it is also not an administrative organ dealing only with bureaucratic affairs. It has some authority to a certain extent. It has the task to see to the implementation of the agreements on the cessation of hostilities. It has the task of insuring the practice of democratic liberties and national concord. It has the task of organizing the general elections.

In a situation in which there are two administrations, two armies, two different regions, it is necessary to organize such a body with such extent of authority. Only in this way can we realize national concord. As you know, this Council will operate in accordance with the principle of agreement and negotiations . . .

Dr. Kissinger: Unanimity.

Le Duc Tho: Negotiation and unanimity. So it has a limit to its authority. The Council is composed of three segments. If one segment disagrees, then nothing can be put in practice. So it is an organization that reflects reason and logic. [Kissinger laughs.] You often refer to your honor. We have taken into account of this. You have realized we have changed the wording “the U.S. respects . . .” But you should understand also that we have demanded a three-segment government and the immediate resignation of Nguyen Van Thieu over so many years. It is due to very great effort, it is also due to our earnest desire to have an early settlement, that we have proposed this solution. Moreover, you and we have agreed to that, and now you want to change it. How can we explain to our people?

Dr. Kissinger: You didn’t have to publish it.

Le Duc Tho: You forced me to publish it.

Dr. Kissinger: No, I understand.

Le Duc Tho: For myself I always keep my pledge, my promise. So it is a very great concession of ours. I should add that you have also deleted the three segments of the Council, and I . . .

Dr. Kissinger: The Minister found that. I didn’t think you’d notice it.

Le Duc Tho: Moreover, the third segment will be agreed to and chosen by the two parties. This reference to segments is not a very great phrase but really it is an influential phrase. In order to have national concord, an end to the war and lasting peace, there must be a union of the people. And actually this third segment, they would not fully agree with us, but of course they also disagree, they do not approve also Nguyen Van Thieu. Therefore we think that Article 12 cannot be changed.

And moreover I propose to you that this Council should be promptly set up, immediately set up, and not later than 15 days after the ceasefire. I remember in our discussions you agreed with me that after the ceasefire the Council will be set up immediately. Now I propose that the Council be set up within 15 days, taking into account of your previous views. And moreover I think that this Council is not only set up at the central level but also at the lower levels as agreed to by the parties in South Vietnam. And this provision had been agreed to by you also previously.

Now, regarding the settlement of the internal affairs of South Vietnam “as soon as possible.” I propose to delete the words “do their

utmost" and to write "and accomplish this within three months after the ceasefire." Because you explained to me that "do their utmost" means that it might be that after three months this work is not yet accomplished. And I think in this way the internal matters of South Vietnam would be delayed and not be settled indefinitely. It is precisely our desire to have a peaceful settlement of the problem and to rapidly stabilize the political and military situation of South Vietnam that we propose to settle this question within three months. Because if this is delayed then the situation will remain unstabilized.

Now Article 12(b), regarding the task of the Council of National Reconciliation and Concord. Now in Vietnamese we use the word "oversee," "to see to," the implementation. And you propose [last night] the word "encourage." The word "encourage" is very vague. But the Vietnamese word means to remind the parties and to push them to implement the signed agreement. As to the task of the Council, I agree with you on "the implementation of the signed agreement, the achievement of national concord, and the insurance of democratic liberties," and to delete the words "to maintain the ceasefire and to preserve peace." Another task of the National Council on National Reconciliation and Concord is to organize the free and democratic general elections. We propose to delete the words "specific task." Because this Council has two tasks: one, to see to the implementation of the signed agreement and second, to organize the free and democratic general elections.

Now the last sentence of Article 12(b), "such local elections as the two South Vietnamese parties may agree upon." We suggest "such local elections as the two South Vietnamese parties agree upon" and delete the word "may." Because if we use "may agree upon" it means "may not agree upon."

Now Article 13. Now regarding Article 13 we like to maintain the former wording as we had before. Because the question of the reduction of the effectives of the armed forces, the question of demobilization of the troops, the question of timing of that, will be settled by the two South Vietnamese parties.

Article 14, I agree to your amendment. But the last sentence of Article 14, instead of writing "the acceptance of military aid by South Vietnam in the future shall come under the authority of the government formed after the political process," we propose the wording that "the acceptance of military aid by South Vietnam in the future shall come under the authority of the government formed after the general elections." Now that you propose that the agreement be signed by the four parties, I think that the agreement we have reached by me and you is that the general elections be organized five months after the ceasefire and Mr. Nguyen Van Thieu can resign two months before the elections. Because you agreed to this.

Dr. Kissinger: Oh, now wait a minute. That is unacceptable. You cannot use one proposal which was superseded by another proposal and which we have informed you is not part of the negotiations and introduce it into this negotiation. It is totally ridiculous. I will answer you later, but you cannot use a proposal of September 15 when a new one has been introduced on October 8.

Le Duc Tho: Because previously the agreement was to be signed by two parties, and now it is signed by four parties. These questions are also the political requirements of the real situation of South Vietnam.

Dr. Kissinger: Well, I am going to answer later. I don't want to raise every point. When it was to be signed by two parties it was with the concurrence of the other two parties. So there was no practical difference. I think the Special Advisor and I have similar problems when we adjourn in the evening. So I understand.

Le Duc Tho: So you have difficulties. We have some too.

Dr. Kissinger: I understand fully.

Le Duc Tho: Therefore there should be negotiation, discussion and mutual comprehension.

Dr. Kissinger: I understand.

Le Duc Tho: Now Chapter V, regarding the Reunification of Vietnam and the Relationship of North and South Vietnam. Article 15, former Article 10. Our wording is slightly different from yours, but also different from our former Article 10.

Dr. Kissinger: You have a new version?

Le Duc Tho: It is also taking into account your views.

Dr. Kissinger: I understand.

Le Duc Tho: [reads] "As stipulated by the 1954 Geneva Agreements on Vietnam the military demarcation line between the two zones at the 17th parallel is only provisional and not a political or territorial boundary." Now we add: "Pending the reunification, South and North Vietnam shall respect the demilitarized zone and agree on the statute [status] of the demilitarized zone and decide the modalities for movement across the provisional military demarcation line."

Now another point in your Article 15 "Pending reunification, North and South Vietnam shall . . . establish relations in various fields." We agree to your word.

Dr. Kissinger: That's the way it always was. You agree to the way it always was.

Le Duc Tho: So regarding this chapter, regarding the reunification of Vietnam, Mr. Advisor should be optimistic now.

Now Chapter VI, the Joint Military Commissions and the International Commission of Control and Supervision. Your Article 16. I agree

to your proposal of “the parties participating in the Paris conference on Vietnam,” on condition that the four governments should be mentioned at the beginning. To simplify things, to reduce the number of words.

Dr. Kissinger: All the Special Advisor’s concessions laid end to end advance matters one centimeter.

Le Duc Tho: We have made a greater advance.

Dr. Kissinger: No, you really have in the past.

Le Duc Tho: And now too. Article 16, where it says “regarding Article 3(a), regarding the ceasefire by U.S. forces and all other non-South Vietnamese forces,” we maintain the wordings.

Dr. Kissinger: I am sorry this was given to you. It is useless to discuss this because this has to be made consistent with the body of the agreement. Whatever we agree to in Chapter II we will write in here. There’s no sense repeating all the arguments. I know the Special Advisor’s particular attachment to this Chapter [Laughter] but we can simplify our work by just saying it will be made consistent with the paragraphs to which it refers.

Le Duc Tho: I agree with you. What is written on the task of the Commission and Joint Commission that describes the articles, we will use the wording consistent with the articles. I don’t know about Mr. Advisor, but for myself I think after this negotiation I will forget them all. I can’t remember them all; it is too complicated.

Dr. Kissinger: In the 19th century there was a complicated diplomatic issue, Schleswig-Holstein, which only three people understood. When someone was questioned about it he said there were only three people who had understood it: One was dead, the other was mad, and he was the third but he had forgotten it. When I held my press conference I said Sullivan was the only man on the American team who understood it.

Ambassador Sullivan: He didn’t say whether I was mad or dead, though.

Le Duc Tho: But if you remain alive you will forget it.

Ambassador Sullivan: I hope so.

Le Duc Tho: Ambassador Sullivan, you will not forget it.

Now another point regarding this chapter: “The International Commission of Control and Supervision shall carry on its task in accordance with the principle of respect for sovereignty.” If you put it this way one doesn’t know which country’s sovereignty. Therefore, we propose to add “for sovereignty of South Vietnam.”

There are still certain concrete questions, technical questions, not important. I propose we leave them to our experts.

Dr. Kissinger: For Chapter VI?

Le Duc Tho: Chapter VI.

Dr. Kissinger: I think what the Special Advisor really wants is that the International Commission members report to each other and not to anyone else. That's his secret dream. [Laughter]

Le Duc Tho: Now Chapter VII.

Dr. Kissinger: How about that last point that "The United States and the Democratic Republic, on behalf of the parties participating . . ." Is that agreeable?

Le Duc Tho: Agreed.

Dr. Kissinger: Okay.

Le Duc Tho: Regarding Cambodia and Laos. I think that regarding Cambodia and Laos Chapter VII very adequately dealt with this question and the draft has been agreed to. Therefore I propose to delete the changes you've proposed.

Article 20(a), our wording is clear. Regarding Article 20(d), I think that your addition "among the problems that will be settled is the implementation of the principle that the armed forces of the Indochinese countries should remain within their national frontiers." I think that this sentence is not necessary. You raised this question previously, but after my explanations you accepted the wording before this. Because we respect the Geneva Agreements of 1954 and those of 1962—that is we respect the independence, sovereignty, unity and territorial integrity of Laos and Cambodia. Moreover, after the settlement of the questions, all foreign countries should put an end to their military activities in Laos and Cambodia, totally withdraw from and refrain from reintroducing troops, armaments, munitions, and war materials, as mentioned in Article 20(b).

Dr. Kissinger: What about it?

Le Duc Tho: We maintain the former formulation of Chapter VII, the agreed-to-draft. Now Chapter VII, the relationship between the United States of America and the Democratic Republic of Vietnam. We propose to maintain the agreement reached by the two parties. Although it is an agreement signed by four parties. Because the chapter regarding the right of self-determination of the South Vietnamese people, Article 14, have mentioned the relationship between South Vietnam and foreign countries including the United States. So it is better to maintain the chapter on the relationship between the U.S. and the DRV.

Now another point, regarding the part of sentence "in pursuance of its traditional policy," I agree to it.

Now, an important point, the final one, the French text of the agreement. I agree to delete it.

Dr. Kissinger: With this attitude we cannot fail to reach agreement. How about that other change, postwar reconstruction “throughout Indochina including the DRV?”

Le Duc Tho: My stand is that we should maintain the postwar reconstruction “of the Democratic Republic of Vietnam and throughout Indochina.” So both sides are positive.

Dr. Kissinger: I understand your point. I don’t understand your reasoning. [Laughter] All right. Do you have anything else or should we take a brief break?

Le Duc Tho: Let me add another point, regarding the unilateral understanding on Laos and Cambodia. We have addressed you a message, and President Nixon said that it has met his concerns. So this message, that constitutes a document handed to you. So it is a satisfactory unilateral understanding from our part.

Now let me speak briefly about the schedule and then we should have a break. I think that we are both in the course of negotiations and both sides should make an effort. We will not be behind you in regard to effort and good will. We should do such a way that we complete our work this week. If it will not be so, probably it is beyond our desire, you and me. But we will make the effort and achieve it.

Afterward, it is my views as follows. After we reach agreement here your intention is, 48 hours after, you stop the bombing and mining.

Dr. Kissinger: Forty-eight hours after I return to America. I will give you the exact time.

Le Duc Tho: We propose 24 hours, 24 hours after you return to America. It would not be good if we have reached agreement here and the bombing continues for 48 hours at home. And afterward I would propose that you will spend one week for consultations with Saigon, etc., etc., with your allies. And after one week after we reach agreement here you will visit Hanoi and we will initial the agreement. And a few days after the initialing then there may be *de facto* ceasefire.

Dr. Kissinger: When?

Le Duc Tho: A few days after the initialing and announcement and publication, then there may be a ceasefire. I think a *de facto* ceasefire may be as effective as an official ceasefire after the signing of the agreement, if the two sides really want peace. Naturally the signing of the agreement after the initialing should be very soon, very promptly. Actually in the course of the 10 years of war, on many occasions there were *de facto* ceasefires—on the occasion of Tet and Christmas, and sometimes they lasted as long as six days.

Now about the discussions of the protocols. After we reached agreement here, maybe the experts on both sides will discuss. It would be quicker if the experts of the two sides discussed this. And I agree

with you that when the agreement is signed the protocols will be signed too. But I think that we should not await the completion of the discussion of the protocol before you will go to Hanoi to initial the agreement. It would not be necessary to wait for that. And after we reached agreement here, on the one hand the experts of two sides discuss the protocols and on the other hand you will visit Hanoi. Because in practice, one week after we reached agreement here, you visit Hanoi and you return to Washington and it will take a few days after the agreement will be signed; there will be a period of 10 days, sufficient for the experts to discuss the protocol. We should not wait the completion of the discussions before the visit.

Dr. Kissinger: Before the visit. But you agree there can be no signing until the protocols have been finished?

Le Duc Tho: I think that both sides should make an effort that after we reached agreement here then the experts of the two sides will discuss the protocol and both sides should make an effort to complete the discussions before the signing. But we should not wait till after the completion of the discussions for you to visit Hanoi. We should not for the reason of the discussions of the protocol being unfinished delay the signing.

Dr. Kissinger: You will do your utmost to finish it.

Le Duc Tho: We will do our utmost. You have yourself said that in fighting we are resolute but when a solution is adequate already we are resolute in peacefully settling the problem. But in the greater part it depends on you. From past experience we realize that. I do not want to reiterate the past experience.

Dr. Kissinger: All right, let us take a brief break and then I will make a response. Is there another document?

Le Duc Tho: Chapter IV, the most important one. [Hands over DRV redraft of Chapter IV, Tab B.]

Let us have a break.

Dr. Kissinger: All right. Oh, but you've got a change?

Mr. Thach: Yes.

Dr. Kissinger: You have changed (c)?

Le Duc Tho: In a few places we have changed as we said.

Dr. Kissinger: You've already reduced the time for election by one month. Since you've typed this, you've already reduced the time for election by one month. If we meet here all week long you will be back to your original demand that Thieu resign immediately. You'll ask for elections in two months and the resignation of Thieu two months before the elections.

Le Duc Tho: It is your proposal!

[The meeting broke at 5:36 p.m. and resumed at 6:14 p.m.]

Dr. Kissinger: Mr. Special Advisor, I think I will make only some general comments. And then we will make some specific comments tomorrow. As I have said to you before, we recognize that in our discussions in October you proceeded with good will and that you made a great effort. And so did we make a great effort. Our positions were some what unequal in the sense that you had many weeks to prepare your position and you had many weeks to consult your allies, while we were presented for the first time with your position on October 8 and therefore had to work with very short deadlines. This is the objective basis that has brought us together again here and that we have to overcome.

Now we have already made major efforts and, as I said to you yesterday, difficulties that could not be overcome in three days will have a different aspect when we have many weeks and when we can show there was some concern for the point of view of parties not present in this room. So, provided we have an agreement by the end of this week that we can really believe in, we will implement it with the greatest determination. And indeed at the end of the meeting, after we have an agreement, I want to discuss with the Special Advisor concretely various contingencies that might arise, so that we are prepared for every possible case.

As I told you a while back, it appears now that the emissary of Saigon to the President will be his Special Assistant Mr. Duc. And we will take him and the Ambassador to Washington, Ambassador Phu-ong, back with us, and the President will personally impress his determination on them. I shall talk to you about the schedule that is being planned after that, at the end of my remarks.

Whether this is necessary, or whether we are willing to do this, depends on the kind of agreement we can achieve this week. And we are, quite frankly, in the same position as you are. If we make peace we should make it quickly. But if there's a continuation of war we should also know it quickly. And so we both have the same approach to these talks.

Now, as for the presentation of the Special Advisor, we are now in the position where both sides are putting forward views and we are not yet really negotiating. As I analyze the concessions of the Special Advisor, they were in two categories, neither of which has practical consequences. The first has to do with our honor and our basic position as a people. And they are appreciated. But they reflect primarily, they will primarily result in a better atmosphere about the agreement. They will not affect any operational matter. The second concerns certain technical changes, such as dropping Indochina Time and dropping the French text. [Laughter]—I don't want to seem ungrateful—and

agreeing to the correct Vietnamese translation for “without limit of time” and to the correct translation of “various.”

We have, however, a number of issues of principle which the Special Advisor raised.

First, let us mention who should sign it. We had never agreed to a two-party signing. We had always said that we would ask our allies in Saigon and do whatever seemed more appropriate to them. Now on the issue of whether the parties should in fact be named, we have, of course, in our proposal not mentioned the Government of the Republic of Vietnam either. And since the four parties would sign with their official titles, I would assume that the official title of the Foreign Minister of the Provisional Revolutionary Government would be mentioned at that point in the document. So we are not trying to prejudice this issue one way or the other. We are asking nothing for Saigon that is different from what we are willing to give to the PRG. The Special Advisor mentioned to me once that nothing we do here requires us to recognize the PRG, and he realizes, of course, that we will not recognize it. We therefore think that we should confine the titles to the signature.

With respect to the control of areas, I think this will be a fact that will arise from reality and not from the wording of a document, because the practical consequence of a ceasefire in place is that some areas will have to be controlled by some parties. But we are prepared to discuss which is the best way to express this reality.

I will put aside the two big issues, withdrawal and political issue, and turn to the problem of Cambodia and Laos. As it is written in the agreement; I will speak separately about the unilateral understandings, although it applies also to the unilateral discussions. We must avoid in these discussions raising questions about our possible motives. For example, I find it very difficult to understand why you would not be prepared to reaffirm and respect the 1954 Agreements on Cambodia and the 1962 Agreements on Laos. Because either your text already says this, and all we thought we were doing was to make this clearer, or your text says something else and we would like to know what it is that makes the difference between our version and your version. We did not intend with Article 20(a) to change the meaning; we simply wanted to clarify.

Or when you refuse to say that “the parties to the conference will not use the territory of Cambodia and the territory of Laos to encroach on the sovereignty and security of one another,” naturally one wonders why it is you object to this. Or let us take the ceasefire in Laos and Cambodia. Why is it that the ceasefire in Laos must be 30 days after the ceasefire in Vietnam? Why would it not be better to end the war in Indochina simultaneously? On any schedule that we can project, the signing of the agreement will be two to two and a half weeks, closer

to two and a half to three weeks, after we complete the agreement here. Then why is it that we cannot move toward a ceasefire in Laos immediately? And if you want to protect yourself we can agree to delay it a couple of days after the signing. But we do not see why there has to be a month delay between these two events. This again raises an inevitable question about motive.

Incidentally, I think your paragraph about the DMZ we have to analyze, but that does seem to me a substantive progress. But I'll give you a definitive answer tomorrow.

Now then, let me turn to the two big issues in which the Special Advisor has instructed me for many months, for many years, the political issue and the military issue.

When I look at the changes which the Special Advisor has proposed, he has withdrawn almost all the significant concessions that were made by him in October, both in the political field and in the related field of the civilian prisoners. For example, our proposal of September 15 for an election in five months was a Presidential election within the existing constitutional framework and was part of an agreement the security provisions of which had not even been discussed. As we made clear in the message that we sent to Hanoi, we considered that particular proposal superseded by the discussions that took place in October. Similarly, the creation of the Committee of National Reconciliation which was proposed then was in the context of supervising elections within a completely different framework than the one that exists today.

I will not debate every one of the points that was raised, but what we are trying to achieve is not so much an objective change in the situation on the political side as to avoid ambiguities that can later be the source of unending debate and controversy.

Now let me turn to the issue of the civilian prisoners. Our position was based on two factors. One, we wanted to separate the issue of civilian prisoners from the issue of American military personnel. We cannot possibly maintain the ceasefire or the other provisions of this agreement if our military captured personnel are not returned and if it gets involved in the disputes that may arise between the Vietnamese parties as to who is a military and civilian prisoner. Secondly, we told you then and we'll tell you now that we have a difficult enough job with this agreement and any conceivable modification of it in gaining the acquiescence of other parties. And to propose that, first, any forces that are considered enemy can stay in the country and that, secondly, they should be augmented by 30,000 prisoners is a proposal which we cannot in good conscience accept and which will under no circumstances be accepted by our allies. This I state as a fact of life.

On the other hand, if we can get a satisfactory solution of the troop issue then the prisoner issue will be much easier to settle. I am certain

if there were a withdrawal of forces that the release of the prisoners could be pressed for much more easily and could probably be achieved.

Now let me say a word about the withdrawal of the so-called North Vietnamese forces. I am using the Special Advisor's formulation.

Le Duc Tho: And it is correct.

Dr. Kissinger: Now there are a number of difficulties that I wanted to explain that are of a technical nature. For example, in paragraph 3(a), where it says "The United States forces and so forth should stay in place" and where we have proposed saying "and all other non-Vietnamese forces." If there are no North Vietnamese forces there, then what is the objection? But if there are North Vietnamese forces there then they are not covered by the ceasefire at all. So that, from a strictly legal point of view, North Vietnam would have the right to resume military activities as soon as it admitted it had forces there. This is a legal, an objective difficulty for which, apart now from the issue of withdrawal, we have to find a solution.

Le Duc Tho: Here you quoted only half of the sentence, the so-called North Vietnamese forces. Regarding these forces there have been North Vietnamese going to South Vietnam. Literally they are children of the South Vietnamese regroupees. These people are organized into units and go South. As I told you the other day, these forces now belong to the people's liberation forces of South Vietnam. Therefore Article 3(b) stipulates that the armed forces of the two South Vietnamese parties shall remain in place. So it has been explicitly explained in 3(b). Now in 3(a) you propose "United States forces and all other non-South Vietnamese forces." So you put the so-called North Vietnamese forces at the same place with United States forces though these are two different forces. It is stipulated here that they stay in-place pending the implementation of the plan of troop withdrawal. So your intention here is that these forces should be withdrawn. And herein lies the intention . . .

Dr. Kissinger: That was not really the intention. The intention was to create an obligation, for in these three provisions the troop withdrawal was not the key issue. The key issue was that there was no legal obligation for North Vietnamese forces at all. Because all you would have to do one day is announce you had forces in the South and they would not be covered by this agreement.

Le Duc Tho: I shall answer you later. I have many reasons.

Dr. Kissinger: Many reasons for what?

Le Duc Tho: Answering you.

Dr. Kissinger: Of that I have no question. But it's a problem that we must deal with.

But beyond this, we have attempted in a number of places at least to make more specific the requirement for the demobilization of forces,

to make it more concrete, and to the end of the chapter on Laos and Cambodia to add a statement about the principle that these forces should remain within their country. Which does not maintain that the forces are outside their country. So in that respect there is no need for an admission.

Now, let me state my own personal view of the matter. My own personnel view was jokingly expressed by the Special Advisor when we talked about “without limit of time.” I believe that when you want to fight again you will fight again, no matter what we say in this document. I believe that the guarantee for this agreement is not the brilliant international commission which the Special Advisor has developed, but the willingness of the United States and the DRV to live in peace together. These are the guarantees. I also have no illusions that since you managed to infiltrate so many people and so much heavy equipment we didn’t know anything about, that you can do so again. It is a question of principle that you do not admit you have troops in South Vietnam. But it is also a matter of principle for the South Vietnamese not to admit that you have a right to keep your forces there. So what we are trying to do is to find formulations that are consistent with the self-respect of all parties and that will permit the evolution to occur on which the peace will ultimately depend. Therefore I am not asking you to answer me now with a concrete proposal, but I am asking you to consider some of these aspects overnight.

So on the issue of the troops we agree that what you call the so-called North Vietnamese troops should not be mentioned as such. But we ask again to look at the additions to Article 13 and the additions to Chapter VII that maintain the principle. About specifying the rate of demobilization. These are some general observations. And I have already covered the point on the simultaneity of Laos and Cambodia.

Let me say a word about the schedule. With respect to the ending of the bombing after we come to an agreement, I will have to check in Washington what the practical aspects of this are. With respect to the schedule, we agree that it should be rapid and that it should be carried through to the conclusion once it is started. As a practical matter I should stay in Washington for a week, then leave for Saigon which will take one day, then spend three days in Saigon. So it could not really happen before the 11th day after I return to Washington. But the major thing is that we avoid getting into the same difficulty as last time—that the next time we make a schedule we can really maintain it. But this seems like a realistic schedule.

Now, with respect to the ceasefire after the initialing, I am not sure that I understand your reasoning. Our idea is to have a *de facto* ceasefire occur as soon as the agreements are announced and published, which should be within about 48 hours of the initialing. But I must also tell

you in all candor that it would have extremely grave consequences if on my way back from Hanoi to the United States there were suddenly a violent eruption all over Vietnam started by your side. I do not see how the President can go on television after my return and announce that there is peace in Vietnam or in Indochina when at that precise moment there is a total turmoil all over the country. So I think we should both restrain the impetuosity of our allies and induce them to cease offensive operations after my visit to Hanoi.

Le Duc Tho: But you do with Saigon's side too.

Dr. Kissinger: Absolutely, we have the same obligation. Absolutely. We will take the same obligation with Saigon. It cannot be unilateral. We shall agree with one another when offensive operations should cease, and we will bring about the observation of this by all forces on our side. As for the signing of the protocols, we believe that they should be signed simultaneously and we believe that two weeks is enough time to get them completed. Because the international machinery will simply not be able to function without these protocols. And I would have thought that the Special Advisor was anxious to see his handiwork in action. [Laughter]

But now let me be very concrete. Both of us have come a very long way. And while we are at a very difficult point right now, we should not forget where we started. The war has lasted so long and so many issues are raised with each passing month that inevitably as we make peace we discover more and more new aspects. So we are approaching these discussions this week with the determination not to let the settlement fail. We will review all your comments today, tonight, with the intention of seeing what adjustments are possible. We will review all of our proposals tonight to see which of them are not central to the solution. And we will meet you tomorrow and then we should discuss, and if you approach matters with the same attitude I believe that we will come to an agreement this week and that peace will then return to Vietnam within a matter of weeks.

Le Duc Tho: Let me speak a few sentences. Then we should break. Truly we have covered a long distance to peacefully settle the Vietnam problem. But the path of this long distance is not a smooth one. Now, once again, let us make an effort and achieve the agreement. But you should realize that we have made great efforts and on every point you have agreed with us. Now you raised a number of new questions, and some involved great questions of principles and great questions of substance, and you should understand that it will be difficult for us to accept. Because you have promised to us that you would not change them, but now you change them, and this is a very harsh question for us. We have constantly made efforts so that we might achieve a solution. But you should carefully consider our views and find out a satisfactory

solution. Of course we will show good will to settle the problem. Therefore I would invite you once again to give careful consideration to our views. We have come here purposefully to settle the problem and not to drag on the discussions. But it will not really depend on us. We can say that this time it mainly depends on you. I hope that tomorrow you will have new views to express, and we shall consider your comments too. We shall depart now and tomorrow we meet again at 11:00.

Dr. Kissinger: No, may I suggest, Mr. Special Advisor, if it is convenient to you. Unfortunately, I had agreed to go to Brussels to enlist one of the members of your International Control Commission. And I know you would never forgive me if there were not some Indonesian forces on Vietnamese soil to help inspect the agreement. And after that I would like to meet with my colleagues to make sure that we have a realistic position. So perhaps if we could meet say at 2:30 tomorrow afternoon. If that is convenient.

Le Duc Tho: That I agree to. Please go on.

Dr. Kissinger: No, that is all. And I will then be in a position to go through the agreement more precisely.

Le Duc Tho: There are still a number of protocols you have to hand us. Please hand us now so that we can consider.

Dr. Kissinger: I think we'll be in a better position to do it tomorrow. May we do it tomorrow?

Le Duc Tho: But you will give us tomorrow morning?

Dr. Kissinger: We will send them to you by noon tomorrow, I hope. We don't want to give you something that we may later have to change.

Le Duc Tho: But in the protocol regarding the International Commission, you should not put in the introduction of a field force of 5,000.

Dr. Kissinger: Do we give any precise numbers?

Mr. Thach: It's in the press.

Dr. Kissinger: I think it's only 4,500. You will comment on this. We will give it to you tomorrow. And if we don't have a final document we will give you something that is a working document that you understand we may have to change. I think the Special Advisor will be proud of us—we have really tried to give meaning to his creation.

Do we want to meet here tomorrow? What about Kleber?

Le Duc Tho: Here.

Dr. Kissinger: With all the television already set up!

[The meeting then adjourned.]

28. Memorandum of Conversation¹

Paris, November 22, 1972, 2:28–5:58 p.m.

PARTICIPANTS

Le Duc Tho, Special Advisor to DRV Delegation to Paris Peace Talks

Xuan Thuy, Minister, Chief DRV Delegate to Paris Peace Talks

Nguyen Co Thach, Vice Minister for Foreign Affairs

Phan Hien, Delegation Member

Luu Van Loi, Delegation Member

Trinh Ngoc Thai, Delegation Member

Tran Quang Co, Delegation Member

Pham The Dong, Notetaker

Nguyen Dinh Phuong, Interpreter

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs

General Alexander M. Haig, Jr., Deputy Assistant to the President for National Security Affairs

Ambassador William Sullivan, Deputy Assistant Secretary of State for Far Eastern Affairs

Winston Lord, NSC Staff

John D. Negroponte, NSC Staff

David A. Engel, NSC Staff, Interpreter

Peter W. Rodman, NSC Staff

Mrs. Mary Stifflemire, Notetaker

Dr. Kissinger: [pointing to his briefing book] I'm going to read this whole thing from cover to cover. [Laughter]

Le Duc Tho: Now comes your turn to speak.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam Negotiations, Sensitive, Camp David, Vol. XXI, Minutes of Meetings. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at 108 Avenue du Général Leclerc in Gif-sur-Yvette. All brackets are in the original. The tabs are attached but not printed.

Kissinger assessed this day's meeting for the President as follows:

"I touched upon each of the positions outlined by Le Duc Tho at yesterday's session. We dropped several of our less important changes, calling concessions what actually amounted to returning to previously agreed upon language in the October draft. I stayed firm on the political section, the troops in the South issue, withdrawal of U.S. civilian personnel, South Vietnamese civilian prisoners, and Laos and Cambodia. I deferred our definitive position on the status of the DMZ, on which they had moved part way yesterday."

Le Duc Tho continued to focus on Kissinger's attempts to change the text of the agreement negotiated in October. Kissinger told Nixon that he answered Tho "firmly," telling him: "we were not asking Hanoi to abandon principles but rather to elaborate more fully on principles they had already agreed to. I noted that you [Nixon] were making an exceptional effort in search of peace at a time when you had a strong mandate from the American people which removed any restrictions on your course of action." (*Foreign Relations*, 1969–1976, vol. IX, Vietnam, October 1972–January 1973, Document 117)

Dr. Kissinger: I think perhaps the best way to proceed, Mr. Special Advisor and Mr. Minister, is for me to go through the Agreement in the light of your comments yesterday and give you our reaction. And then after that I will give you a tentative schedule.

We have studied your views with great care. We have made an effort to take them seriously into account. So let me go through it.

With respect to Article 1, we agree with your formulation as you submitted it yesterday. Oh, the Preamble. With respect to the Preamble, we believe we should leave it as it was in our proposal, that is, “the parties participating in the Paris Conference.” But the signatures should be with the title of each of the signatories. In that way this is no discrimination against either the Government of the Republic of Vietnam nor against the Provisional Revolutionary Government. And the titles of both sides would be listed.

With respect to Article 1, your formulation as you gave it to us yesterday is acceptable.

With respect to Article 2, we recognize your concession in dropping Indochina Time and that is now acceptable. [They laugh.] With respect to “without limit of time” we can consider all of Article 2 settled.

With respect to Article 3, it is as I told you yesterday a matter of great difficulty for us, and we want to make sure that all forces that are in South Vietnam stop military action. But we will accept this present formulation, but we must have an understanding that there are no forces in South Vietnam to whom Article 3 does not apply. We can exchange a piece of paper on that subject, that Article 3 covers all the forces now in South Vietnam. With this proviso, we accept the original formulation.

With respect to Article 3(b), we believe that the phrase “controlled by each party” has a political connotation which should not be in this paragraph. But in order to show our good will and to make progress we will accept returning to the original formulation. [Xuan Thuy confers with Le Duc Tho.]

Does the Minister object to our accepting his position?

Xuan Thuy: We welcome it.

Dr. Kissinger: Article 4—we would like to reserve our position until we complete Chapter IV and then see. The Special Advisor said yesterday that it could be moved, and we want to reserve our position until Chapter IV is completed.

Article 5. The Special Advisor mentioned yesterday with respect to civilian personnel that the United States has assigned foreign personnel to perform functions which used to be performed by military personnel since we last met. We do not believe that this is true. But we are prepared to say that U.S. civilian personnel cannot be assigned to

functions they did not perform on November 1st. Or on October 15, if this is more convenient. [They confer.] So as to avoid the impression that we have taken advantage of this interval.

Le Duc Tho: But U.S. civilian personnel associated with military training, use, storage, repair and maintenance of war material previously should be withdrawn, too.

Dr. Kissinger: If they were assigned to it after October 15, that is correct. As for the rest, we have to study what it is you are talking about and what these functions are. I have not yet received a report of the precise implication of this sentence.

Le Duc Tho: We demand that all the troops, military advisers and military personnel be withdrawn from South Vietnam. But now civilian personnel are replaced to serve military tasks in South Vietnam. Therefore, we demand that not only these personnel now assigned but previously should be withdrawn. And these questions have been much spoken about by the press, even in the United States.

Moreover, the Geneva Agreements of 1962 on Laos have the same explicit stipulations because the United States often used civilian personnel to carry out military tasks. But we do not say anything about civilian personnel serving in economic branches.

Dr. Kissinger: We understand. We can agree that we cannot now send in civilian personnel to replace military personnel. And therefore we are willing to say that civilian personnel cannot perform functions which they did not perform prior to October 15, in addition to all the other prohibitions that already exist. So we cannot send in civilian to replace military.

Le Duc Tho: All right that you will not send civilian personnel to replace military personnel, but even civilian personnel serving prior to October 15 should be withdrawn too if they performed military tasks.

Dr. Kissinger: Well, we rejected that once and this is a question that requires further study. You raised it once and we left it out, and it is a question that requires further study. I cannot go further than I have now told you.

Le Duc Tho: Please reconsider your stand. But we maintain our stand. Because the Geneva Agreement of 1962 contained the same stipulation and now this situation happens much more often in South Vietnam now. And actually civilian personnel serving in military tasks is tantamount to military personnel in practice. Please go on. There is no reason for you to maintain your stand. Because we do not object to your introduction of civilian personnel serving in economic branches, to help building in various economic branches of South Vietnam. And this also reflects your intention as to whether you want to continue the war or to have peace. On the one hand you reinforce the rearmament

to South Vietnam, and on the other you retain civilian personnel serving the military branches and actually they are military personnel.

Dr. Kissinger: Does the Special Advisor wish to hear the rest of my views on Article 5? [Laughter]

Le Duc Tho: Please go on.

Dr. Kissinger: But we were trying to show our good will by making many concessions. [Le Duc Tho laughs]

Now, with respect to “withdrawal of non-South Vietnamese forces”—the so-called question of the so-called North Vietnamese forces . . . Have I learned the terminology correctly, Mr. Special Advisor? [Laughter]

Le Duc Tho: Correct.

Dr. Kissinger: When I lecture in Hanoi next September I don’t want to be misunderstood.

You know that the issue of withdrawal is a decisive one in obtaining the agreement of the Saigon Administration. On the other hand, we understand your concern not to list the so-called North Vietnamese forces in relation to the United States forces and to relate it to the same time scale as our withdrawal. We therefore accept as a sign of goodwill the original text.

Article 7. In the first paragraph we accept your phrase “the formation of the government”. But we think paragraph 9(i) is not applicable; it is really only 9(b). That is a technical point; we are prepared to discuss it with you. It is really only 9(b).

In the second paragraph, we believe that the phrase “used up” must be maintained. [Discussion among North Vietnamese]

Le Duc Tho: Also, as a show of goodwill, I accept the word “used up” be put here.

Dr. Kissinger: Thank you. I appreciate it.

Le Duc Tho: The words “used up” we accept. It is great goodwill on our part. It means that you will have a free hand to introduce armaments.

Dr. Kissinger: No. We don’t want to continue the war. The important problem, Mr. Special Advisor, if either of us wants to continue the war we can write fifty clauses in here and we shall find a way to do it. The important thing is a political decision that we are not going to have a war against each other again. You fight for too long once you get started.

Le Duc Tho: [Laughs] But if we have to fight once again, I think that you will not enter again. This is what I would guess.

Dr. Kissinger: I would say if this agreement is broken it would be extremely dangerous.

Le Duc Tho: But if the agreement is violated, it is certain it is not we who are the first to violate it. Because if the agreement is signed, we will abide by it.

Dr. Kissinger: So will we.

Le Duc Tho: Particularly Nguyen Van Thieu.

Dr. Kissinger: We will use all our influence. We believe it is important that you keep the agreement, but we also believe it is important that our allies keep the agreement. And we are not entering this agreement cynically.

With respect to Chapter III, I told you before we cannot agree to have the issue of American personnel handled in the same paragraph with that of civilian personnel because this would give too many pretexts to use the American personnel for pressure. And we believe that the original draft, difficult as it was, provided the best basis for a settlement.

Le Duc Tho: But it is not the best way to settle the problem.

Dr. Kissinger: I understand your point. I have never made cheap arguments to you on this point because I recognize it is very painful to you—very difficult. And we have appreciated the goodwill that was shown by your government in its previous position on this.

Now, Chapter IV.

Le Duc Tho: We do not yet agree to this chapter.

Dr. Kissinger: I understand. I'm just going through our reaction to the Special Advisor's comments yesterday with the intention of eliminating those issues that can be set aside and concentrating on some key issues. This is the approach. Of course, the Special Advisor could surprise me and accept everything. It would be a historic event.

Le Duc Tho: Certainly there will not be such a surprise!

Dr. Kissinger: Chapter IV. We agree to your change that "the Government of the United States and the Government of the Democratic Republic of Vietnam undertake to respect the following principles." That was your proposal yesterday.

With respect to the issue whether we should say "general" or "national", we propose perhaps to use no adjective. Because it is perfectly clear when we say at the end "the government that emerges from this process," that it has to be for a national institution. We accept your phrase . . . That was in paragraph 9(c) . . . At the end it says "the government that emerges", and it also says in Article 7 "from the enforcement of the ceasefire to the formation of the government provided for in paragraph 9(b)". It is in Article 7 and in the new Article 14.

Le Duc Tho: Please go on.

Dr. Kissinger: 9(c): We accept your formulation although we understand your "*arrière pensée*".

Le Duc Tho: It is your previous pledge. Now you want to change it?

Dr. Kissinger: Not at all.

Le Duc Tho: And I have written exactly the word you have pledged.

Ambassador Sullivan: Not exactly.

Dr. Kissinger: Not exactly. It will lead to another metaphysical argument about what is foreign.

Le Duc Tho: Call it the debate on metaphysics. It will take years.

Dr. Kissinger: When I was a professor at Harvard, I had a seminar for foreign students. There were 40 foreign students. Each national group was permitted to speak once to an American audience, but we only had 10 evenings. So I asked the representatives of smaller countries to share an evening, which immediately raised the metaphysical question of what is small, and no one admitted it. [Laughter] This is where I became a metaphysician.

Le Duc Tho: And sometimes great powers become small and small powers become great.

Dr. Kissinger: [Laughs] The Special Advisor never quits!

Le Duc Tho: [Laughs] This is of a philosophical nature.

Dr. Kissinger: This is true.

Article 11. We accept “of the people.” [Tho laughs.] As a sign of goodwill and serious intent! I think the Special Advisor was prepared to give it to me as a sign of his goodwill and serious intent. Eventually. [Laughter] I am depriving him of an opportunity to put me under an obligation.

Le Duc Tho: But I think you have not made it stupidly.

Dr. Kissinger: 12(a). I am working from our text because I think that the Vice Minister’s text is too ambitious. [Laughter]

Le Duc Tho: But if we take your paragraph, you are also too ambitious.

Dr. Kissinger: I understand. I am offering a compromise. I propose that we say “set up an administrative structure”—I am returning to “administrative structure”—“called the National Council for National Reconciliation and Concord, representing all political tendencies in South Vietnam and whose members shall be chosen equally by the two parties.” Then where we had deleted the sentence about the local levels we propose to replace it with the following sentence: “After the National Council for National Reconciliation and Concord has been established, the two South Vietnamese parties will consult about its detailed organization.” [Dr. Kissinger then repeats the sentence at the request of the North Vietnamese.]

Le Duc Tho: What is “detailed”? Really this sentence is very abstract.

Dr. Kissinger: I am sorry. I didn't intend it to be this way!

Le Duc Tho: I don't know, because as used it is abstract because "its detailed organization" does not make it clear whether the detailed organization of the Council or of the lower levels.

Dr. Kissinger: I think the two parties should discuss this in a spirit of reconciliation and concord.

Le Duc Tho: But I think it should be explicitly written.

Dr. Kissinger: Well, we can discuss it. With respect to 12(b). No, I am operating from our draft, which does not include the 15 days. I am adding to our draft. Even my associates are confused.

Now, 12(b) of the draft we handed you. We agree with you to eliminate the "specific task" and to return to the original phrase "will organize", or "has the task of organizing". We are accepting your proposal. You wanted the word "specific" eliminated, and we are accepting that.

Again, we would recommend dropping the adjectives "general" and "national". And we agree to dropping the word "may". This is within the context of our draft of 12(b). In other words, we cannot go along with the sentences that, out of courtesy, the Special Advisor added from our September 15 draft. We do not insist on those! That is the sentences about giving a time limit for the election. I think the Vice Minister understood. [Laughter]

Now Article 13. That is really the key element. We understand your issue of principle with respect to phraseology that could look like mutual withdrawal. But we believe that the language we have given you here in Article 13 will be the absolute key to the consultations which we will have to conduct after we complete this agreement.

For your consideration.

Article 14, we accept your revision. You want us to say "under the authority of the government set up after the elections in South Vietnam". We agree with this, but we simply want to say "after the elections provided for in Article 9(b)". It is really only a technical change. We accept your proposal except for this one phrase.

Article 15. We are still studying it, because of the Special Advisor's extraordinary ability to pack double meanings into every word. [Laughter] I may ask you a few questions about it afterwards.

Article 16 through 18—the favorite chapter of your side. [Laughter] We have agreed to reconcile the appropriate paragraphs after we have finished the rest of the document.

Article 18(e), we accept your proposal that we should add the phrase "of South Vietnam" after the word "sovereignty".

It does raise one problem though, Mr. Special Advisor. As we visualize it, there will be a team in Hanoi for two months to supervise

the release of American prisoners. [Vietnamese discussion] And we will be glad to say “of North and South Vietnam”. But you consider it and let us know how you want it. You consider it. To us it is a technical problem. We have no political intention.

Le Duc Tho: We can decide at the time.

Dr. Kissinger: Yes. We don’t have to decide it now. Did you have somebody working on this full-time for all the years that the Special Advisor and I were working on this chapter?

Le Duc Tho: [Laughs] Of course. As have you.

Dr. Kissinger: Article 19. We are now agreed.

Article 20. I have given you our preliminary views yesterday and they have not changed. Our intention in the first paragraph was simply to make clear our respect for the Geneva Agreements on Laos and Cambodia, which you have always urged us to observe and which we had always believed was the intention of this first paragraph. And if it does not mean that, it is hard to know what it does mean. Does it mean each side can pick those paragraphs of the Geneva Agreements that it chooses to observe? So we urge you to reconsider this.

In the last paragraph, we are facing first what was a drafting error in the first agreement where we simply want to say “between the Indochinese states” rather than “the three Indochinese countries”. And the last sentence that we added, we are prepared to drop the word “national” before “frontier”. And that is another one of those points which will greatly ease the subsequent procedure. [They confer.]

Mr. Engel [to Dr. Kissinger]: They are talking about eliminating the word “frontier” instead of “national”.

Dr. Kissinger: Oh, I thought they were accepting this. [Laughter]

Le Duc Tho: We may not accept it.

Dr. Kissinger: Chapter VIII. We had proposed that this should be made a separate protocol and we had also proposed some wording changes in this chapter. Because it creates genuine domestic difficulties for us to do it in this way. But instead, to show our goodwill and to speed the agreement we accept that this be part of the overall agreement and we accept the language. In other words, we accept the language. You have already accepted the “traditional policy”. What we accept is to mention the Democratic Republic first. It may seem like a minor point to you but it will present serious problems for us at home.

Article 23 can now be considered completed. [Laughter]

Now on the other matters. On the ceasefire in Laos and Cambodia, we still believe that the ceasefires should be simultaneous, or nearly so, because we have still three weeks to bring them about if we follow the schedule which I will outline to you. And it is very difficult to understand the reason why it should not be simultaneous. We still

believe that if a new period should begin in our relations, then all military activities should stop and our leaders on both sides should not have to read military reports as their first item of business every morning about each other. It will start everything on the wrong footing. We believe the same is true about the machinery for Chapter VI.

We are prepared to give you today as a working document a draft outline for a protocol on the International Commission. We may make some changes in it but it is simply to enable you to begin studying it. We are prepared to have Ambassador Sullivan stay here after I leave to work with your experts, though I think you and I should perhaps spend a few hours to get the objections and discussions in principle. And I want to tell you that if we come to an agreement on the basic document, we will approach the discussions of the protocol with extreme goodwill and we will not use it as an excuse to delay the signing or the initialing of the agreement. But we do believe that these protocols should be agreed upon before the initialing, and we would have two weeks at least to do it on the schedule which I will give you.

Here is the International Control Commission protocol. [Hands over document at Tab A.] There is also a brief protocol setting up the Four-Party Joint Military Commission [hands over Tab B], which we shall treat in the same way. We also have a longer protocol for the Four-Party Joint Military Commission, which is however extremely technical and which our experts should work on.

I want to repeat, in case the Special Advisor did not hear it, that we will not permit these protocols to be used to delay the signing on our side, and that we will approach the discussions with goodwill, and if you do it on the same basis we must be able to get them finished before the initialing.

Now let me give you a provisional schedule. Assuming I can leave here preferably Saturday, but no later than Sunday, I would then leave for Saigon on the 3rd of December. This would get me . . . I would spend the 5th, 6th and 7th of December in Saigon. I would spend the 8th and 9th of December in Hanoi. I would return to Washington on the 10th of December. We would announce the agreement on the evening of the 11th, Washington time, and the ceasefire should go into effect then *de facto* almost immediately—that is to say, at midnight Washington time or at noon on the 12th Indochina time. And the signing should be no later than the 15th but perhaps as early as the 14th.

And the only other subject I have that we should discuss while I am in Paris—we need not settle it, but we would appreciate hearing your preliminary reactions—we would be prepared after peace is made and after our prisoners are returned to establish diplomatic relations with the Democratic Republic of Vietnam, as a contribution to the normalization of our relations. We would be interested to hear your

reactions. We can discuss this in Hanoi in greater detail, but it would be useful to help us to make our preparations to have your general attitude.

Le Duc Tho: Have you finished?

Dr. Kissinger: Yes.

Le Duc Tho: I propose a little break now.

[There was a break, from 4:00 p.m. til 4:55, during which tea and light refreshments were served to the U.S. side in the meeting room. The meeting then resumed.]

Dr. Kissinger: I was afraid you had gone out the back door and weren't going to come back. [Laughter]

Ambassador Porter tells me he has been on his best behavior in the past few weeks. Is that true, Mr. Minister?

Xuan Thuy: Yes. The last session he was actually sweeter. Probably he received new instructions.

Dr. Kissinger: It is true. He says you were much friendlier too.

Xuan Thuy: I responded immediately.

Dr. Kissinger: He says you bow to each other now when you meet in the hall.

Xuan Thuy: We greet each other.

Dr. Kissinger: I think you will progress to shaking hands any day now.

Xuan Thuy: It is my hope.

Dr. Kissinger: So is it mine.

Le Duc Tho: Let me now speak.

Mr. Special Advisor, I have heard your statement yesterday, and today you have entered the agreement. I have realized that in your statement today you have shown goodwill in a number of considerations of detail, of concrete questions. But as to the great questions of principle you have not yet responded, such as the question of Chapter III of captured people; Chapter IV regarding the political question. Regarding Chapter IV you have now agreed to what had been agreed previously already, regarding some words, some details, but as to the great changes you had proposed previously, you maintained them. The third question, regarding the denomination of the PRG, you are still unwilling to have it mentioned in the agreement. As for us we want to have the name of the PRG appear at the beginning of the agreement as the other governments, the Government of the Democratic Republic of Vietnam, the Government of the PRG of the Republic of South Vietnam, the Government of the U.S. and the Government of the Republic of Vietnam. Regarding the so-called question of North Vietnamese forces you have amended a number of words and sentences

implying the so-called North Vietnamese forces. But you are still haunted by this idea.

Dr. Kissinger: Only two sentences now. We have taken it out of every other place.

Le Duc Tho: Moreover there are still a number of concrete questions you have not expressed a definite view on. Such as the question of the withdrawal of civilian personnel associated with the military tasks.

Now regarding Chapter V, the reunification of Vietnam, this chapter is still under your consideration. Regarding the question of Laos and Cambodia, the last sentence, we shall have to discuss this question because it is an important one.

Dr. Kissinger: I agree.

Le Duc Tho: Therefore I would like to know whether Mr. Special Advisor wanted to say anything more concrete regarding these specific questions. So that anything regarding each question shall be clear and I can express my stand.

Dr. Kissinger: I think I have explained to the Special Advisor essentially what our position is in detail. I must say a word about what our position is in general so that we can be realistic. The tendency of the questions to which the Special Advisor has asked me to answer, especially in Chapter IV and in Chapter III, is to make the agreement even more difficult for our allies and therefore to compound the obstacles which caused our problems at the end of October to begin with. We are in the position—the President is in the position that he does not want and cannot begin a new Administration by giving up the principles which caused him to ask for a clarification of some of these points to begin with.

What we have presented to you was far from what it was recommended to us we should present to you. And already for example in Chapter II, which I believe is now essentially completed, we have accepted what you have described to us as very important questions of principle. We are told, for example, that within the context of the withdrawal of what you call the so-called North Vietnamese forces the question of the prisoners can be very easily settled. But of the changes we are still discussing, from our point of view the one in Article 13 and the other in Article 20 and one in 12(a), those are the important ones. [Discussion among the Vietnamese.]

Le Duc Tho: There are three major changes you propose.

Dr. Kissinger: That's right.

Le Duc Tho: The changes you proposed are important ones and they are also important questions for us.

Dr. Kissinger: I understand.

Le Duc Tho: The question is now how to solve these questions. Have you any new initiative for that purpose?

Dr. Kissinger: I have given you a whole list of concessions before. I think we should hear from you now about where we should go.

Le Duc Tho: Actually you have made some concessions, but these concessions are relating to the details, minor questions. As to the major questions, you have not made any concessions. Moreover, these major questions are what you have agreed to with us before. Moreover, the agreements we have reached previously have been achieved through great efforts from our part. Now what do you suggest us to do, because these are major questions of principles on which we can no longer make concessions. Moreover, these questions have been agreed to by we both, you and us. Moreover, we have reached these agreements through very hard discussions between us. Moreover, we have been wracking our minds and we have made very great effort to have come to these concessions to you.

We can say that our October 8 proposal is very commendable one that paved the way for the present agreement we have reached. Moreover, these are very great questions of principles and we have agreed to them before. Moreover, the agreement we have reached now has been reversed by your side, and I all the same came here to meet you again for the minor questions. But these are questions of principle and substance. It would be very difficult for us to bring about the change.

We can say that we partly understand that Mr. Advisor may have some difficulties with the Saigon people. We can understand that. But finally you are the people who have the decision voice and you should understand that on our side we have also difficulties. You see, over the past four years how can we tell our people how we have announced our demands to the whole world, throughout the world, our demands?

However in order to settle the problem we have made great effort to overcome these difficulties. We can say that in the political field we have dropped very great major questions, for instance the question of the three-segment government, the question of resignation of Nguyen Van Thieu. Moreover, the questions we are raising now are still subjected to the consultation, the discussion, of the two South Vietnamese parties to resolve them within three months, and they are not put in practice immediately. However, you want to change it. Moreover, we in our minds, the questions we have raised here are very reasonable and logical.

And we have the impression that after each effort from our part you put forward new demands. It is continuously, throughout the whole process of the negotiations. You probably still remember that when I was in Hanoi you sent us messages and we have responded to your messages and met your demands. You could realize how great our effort was, and you realized how you had responded. It is known

to you now. Now you requested to have another meeting, and I came back to Paris. You said that we need more meetings for minor changes and they would not be changes regarding the substance and the principles. But actually these are great questions of principle and substance, great political questions.

Now militarily you are demanding the withdrawal of the so-called North Vietnamese troops. You put forward your demand regarding the replacement of armaments. Politically now we have dropped our demand of the formation of the three-segment government and the resignation [Le Duc Tho was corrected here by Mr. Thach] and the immediate resignation of Nguyen Van Thieu. And we only demand the formation of the administrative structure of National Council of National Reconciliation and Concord, but you want to reduce the meaning of this body. What would it be? So now our requirement in the political field of South Vietnam would become meaningless.

The question of the captured people is a very great question. I have expressed my views to you on many occasions. Because of our desire to end the war and to restore peace in Vietnam we have met your requirement in responding to your message regarding this question.

Now regarding the question of Laos and Cambodia . . . the questions of Laos and Cambodia will come under the authority, the sovereignty of these countries. The American captives in Laos come under the sovereignty of Laos, but because of our goodwill we have discussed it with our allies and friendly countries and we agree to return the American prisoners. And this question of American captives in Laos should have been . . . we have no right to solve this question but we have done that. Moreover, the unilateral understandings we have given to you regarding this question was a great deal of goodwill from our part. And the question of ceasefire in Laos. All this, what does this show? It shows our goodwill and the desire to have a peaceful settlement of the Vietnam problem.

So we have made very tremendous efforts on many questions. But in spite of these efforts from our part, you always seek means for further gains. And you put forward new changes and these changes are great, political changes. And if we can't find a solution to these questions I am afraid that the problem cannot be solved. When I say this I like to mean that we have made great efforts. Therefore, I would invite you to think carefully over my views. You should recall the whole process of negotiation with us. When we come here, it is not that we want to drag on the negotiations or we do not want a solution. Otherwise what is the purpose of my coming here? Therefore, I would hope that you would carefully think over my views and find out an appropriate solution. And when you put forward an appropriate, a satisfactory solution, then we will show our goodwill too.

Through your statement today actually you have made some effort, you have shown goodwill. But there still remain a number of major questions of principle and a number of specific questions you have not yet clearly expressed yourself. Therefore, I hope that Mr. Special Advisor would think over my views. And I will expect that Mr. Special Advisor would make great efforts. And if you do so, we will also make great effort to settle the problem. And throughout our negotiation I have repeatedly told Mr. Special Advisor that we will do what we say. If the agreement is signed, from our part we can assure you that we will abide by the agreement. Because if it is our intention to continue the war, we would not have put forward such proposals. It is obvious therefore. It is what I would invite you to carefully think over.

Of course if you make an effort, we will do the same and we will make an effort too to assure the schedule you have proposed. This is some fact I would like to bring to your knowledge for your good understanding. And I can assure you again that if you make an effort and if you are determined to bring peace, we will do the same. We are determined. But Mr. Special Advisor should understand that there are questions of principle, questions of substance, major questions. If they are not settled, not resolved, it would be very difficult for us.

Now the statements you have made today, we shall carefully consider them tonight. And I would urge you to carefully think over my views. And regarding certain specific questions, I would propose to you that tomorrow you will explicitly express your views so that we can see it. And tomorrow after listening to your views, then we shall make an effort. And we will make every effort to insure the schedule you have proposed. But I think, frankly speaking, the schedule you propose, you should not use it to make pressure on us.

Dr. Kissinger: I can't win! Shall we say January 15?

Le Duc Tho: [Laughs] It is up to you. And when the schedule is decided, please don't change it. This is what I have drawn especially from past experience. Please imagine you have caused me to return to Hanoi and then you did not come to Hanoi. How do you think I feel?

Dr. Kissinger: I was thinking of the Special Advisor's family.

Le Duc Tho: So I can say that I was the victim, the direct victim of your deception. You should understand that. So you should insure the schedule. I agree to this schedule. But I would like to repeat that we should draw experience from that. When we have decided a schedule, both sides should spend efforts to insure it. This is what I want, only this, no other. And I think that tomorrow you will make an effort, we will make an effort and we will solve the matter tomorrow. Because your statements today it needs further consideration.

Dr. Kissinger: Are you finished, Mr. Special Advisor?

Le Duc Tho: I have finished.

Dr. Kissinger: Mr. Special Advisor, we have expressed on a number of occasions our regret about the circumstances that caused you to return to Hanoi and await us in vain. And I can say, speaking for myself, that I have never hidden the great respect I have for the Special Advisor and I am personally sorry if any actions of mine have caused him any inconvenience. History has made us opponents but we have not taken each other lightly, or any other member of the North Vietnamese delegation. I feel I owe this statement to the Special Advisor.

But now let us turn to the reality of the situation which we face. [Le Duc Tho nods.] One of the causes of the difficulty in October was that the Special Advisor sometimes seemed more concerned with establishing a schedule in this room than with the ability to carry it out.

We are more cautious now because we don't want to make another schedule that cannot be kept. If we make another schedule that will not be kept, you and we both know the consequences. So it is a very serious matter. And a schedule has two components: it has the element of time, and it has the subject matter which has to be accomplished within that time period. So I will tell you frankly, a schedule is a form of pressure on both of us, not because we desire it but it is a fact. It is for both of us a problem.

Now what is it that must be done? We have not really asked. We have made a very great effort to eliminate those issues of principle for you that concern our mutual relations. And you made the same effort yesterday in your presentation to me. The changes you have made in Chapter II—that we have made in Chapter II—do concern very important matters of principle, and we have taken out any reference to “non-South Vietnamese forces” in Chapter II which deals with your relations to us, more or less. We have removed it from Article 3 and from Article 5, and we have taken out the vague references to “political process” and similar matters.

What are the key things that we are asking? They are not new issues of principle but elaborations of points already agreed upon, to permit the rapid implementation of the agreement and to avoid confusion later on.

In Article 12(a), we are giving full recognition to the fact that the Special Advisor has often pointed out to us, that there are two forces, two administrations and essentially two parties. And this is what we are emphasizing. And this is why we are referring to the other forces in a more general way. But we are not denying the essence of the problem.

In Article 13 we are not introducing a new point. We are adding one sentence to elaborate the procedure for implementing the principle that is already accepted and to which you have often referred in public statements.

And the Special Advisor himself pointed out yesterday that the sentence we are adding to the end of Article 20 is really implicit in 20(b). So it is again not a new principle we are introducing but an elaboration of an existing one.

These are the key sentences. The other ones we can find some solution to. And even here we are willing to discuss it.

Mr. Special Advisor, I have been forced by circumstances to study your history, the history of the leaders of the Politburo and the history of the Democratic Republic of Vietnam. We cannot trick you. We cannot put you at a permanent disadvantage. If you want to fight again, we will not be able to wave an agreement at you. We have a mutual interest that you do not want to fight again. Because if you do, and we fight with each other again—as we will if the agreement gets violated—then we will be repeating the same process which neither of us wants.

Le Duc Tho: Of course, when the agreement is violated then the hostilities will resume. But we can assure you that when the agreement is signed, we will not violate it.

Dr. Kissinger: So therefore we are still opponents but we also have a common objective, which is to make an agreement now so that we can start a new relationship between our two countries. So we both now must take a farsighted view. It has not been easy for your leadership to take some of the decisions you have taken. And if you look at the history of President Nixon, it has also not been easy for him to take some of the decisions he has taken—especially now when he has this overwhelming majority and has no real restraint on any of his actions.

We have not raised these points with you frivolously. We will not raise new points. And we will do everything to meet the schedule that we shall agree upon. And it may well appear that the changes we have asked have not been designed to achieve an advantage over you but they have been designed to make the agreement more permanent and more rapid to implement. This is the spirit with which we will meet you tomorrow. We have come so far that we should not leave tomorrow to resume the war. We should leave tomorrow with a schedule that we can be confident can be kept because it meets the essential principles and which you know will be kept because we have promised it to you.

That is all I want to say today. What time do you think we should meet tomorrow?

Le Duc Tho: Let me say this. We have had many meetings between us, particularly during the last few months. What I think Mr. Special Advisor has realized is that it is our great determination to have a peaceful settlement. But I think you have also realized how great our determination when we have to fight. I have come here this time with

hope in looking forward to a peaceful settlement with you. It is known to the whole world that you did not sign the agreement on October 31.

Dr. Kissinger: Because of you.

Le Duc Tho: But in any case I have come here to meet you again. And I have repeatedly told you also that once we reached an agreement then a new era of new relationship between our two countries will be opened up. And actually we have in view not only the immediate period but long-term period.

So tomorrow we both will come here with the same spirit and in the next few days we should come to a settlement. Naturally the schedule will make no pressure on either of us, but in any case this schedule is a landmark for us to make an effort to insure. The question is whether we both want a peaceful settlement of the war. If we are animated with the desire of a peaceful settlement, then we can achieve sooner than the schedule fixed, but if we don't then we can drag on for a long time. It is obvious. And so, since you have proposed a schedule, you should make an effort to realize it and we shall do the same. Because this time too you have proposed a schedule. So tomorrow we shall both make an effort. I expect that you will make a great effort and we shall make a great effort, and we should take into account of each other's principles and each other's difficulty.

Dr. Kissinger: But you will remember that I have already made an effort today and you mustn't just bank this and ask for another tomorrow. [Laughter]

Le Duc Tho: I shall have many things to ask from you and you will make an effort and I shall make an effort.

Dr. Kissinger: All right.

Le Duc Tho: Because I will have to examine your statement and tomorrow my statement will be in full, more adequate. Any time tomorrow. It is up to you to decide. In the morning would be more convenient.

Dr. Kissinger: All right, let's say 10:30.

Le Duc Tho: All right.

Dr. Kissinger: Good.

[The meeting broke up at 6:03 p.m.]

29. Memorandum of Conversation¹

Paris, November 23, 1972, 10:30 a.m.–4:30 p.m.

PARTICIPANTS

Le Duc Tho, Special Advisor to DRV Delegation to Paris Peace Talks

Xuan Thuy, Minister, Chief of DRV Delegation

Nguyen Co Thach, Vice Minister of Foreign Affairs

Phan Hien, Delegation Member

Trinh Ngoc Thai, Delegation Member

Tran Quang Co, Delegation Member

Pham The Dong (Notetaker)

Nguyen Dinh Phuong, Interpreter

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs

General Alexander M. Haig, Jr., Deputy Assistant to the President for National Security Affairs

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam Negotiations, Sensitive, Camp David, Vol. XXI, Minutes of Meetings. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at 108 Avenue du Général Leclerc in Gif-sur-Yvette. All brackets, except where noted, are in the original. Tab A is attached but not printed.

In reporting to Nixon on this meeting, the general point that Kissinger made was that the 6-hour meeting "proved to be every bit as difficult as predicted." He noted specifically that "the other side held rigidly firm that there would be only minor changes in the political chapter, and no improvements whatsoever in the text of the agreement with respect to the issue of their troops in South Vietnam." Outside of the written text, however, Le Duc Tho had shown some flexibility and offered a deal, which Kissinger summarized as follows: "a commitment to relocate some of their forces in MR-1 [in North Vietnam] and to bring the ceasefire in Laos close to the time of the ceasefire in South Vietnam. He [Le Duc Tho] insisted that both of these arrangements should be in the form of understandings rather than firm written commitments."

In return, the United States would have to meet North Vietnam's demands on the release of political prisoners held by South Vietnam, and that release would be linked to the release of U.S. prisoners of war in Communist captivity. Kissinger's assessment of this deal was not positive: "we have received a vague commitment based on an understanding to relocate some troops from the northern part of South Vietnam and to bring the ceasefire in Laos somewhat closer to the ceasefire in South Vietnam." In short, "barring a sudden give by the North Vietnamese, we do not have an acceptable deal." The negative tone of the North Vietnamese had trumped the modest evidence of their flexibility. The consequence of the talks going badly, Kissinger told Nixon, was that "it is very possible that we will have face a breakdown in the talks and the need for a drastic step-up in our bombing of the North accompanied by a review of our negotiating strategy." (*Foreign Relations, 1969–1976*, vol. IX, Vietnam, October 1972–January 1973, Document 120)

The North Vietnamese rejected Kissinger's continued attempts to include in the text of the agreement a commitment to withdraw its troops from the South. According to the North Vietnamese official history of the negotiations, Le Duc Tho became "infuriated" at Kissinger for these attempts and, as had Kissinger, came to an overall negative assessment of the meetings, concluding: "The [November 23] discussions ended in a heavy atmosphere. No date was fixed for the next meeting. Kissinger said only that contact would be made the next morning. The situation appeared to be a stalemate." (Luu and Nguyen, *Le Duc Tho-Kissinger Negotiations in Paris*, pp. 376 and 380, respectively)

Ambassador William Sullivan, Deputy Assistant Secretary of State for Far Eastern Affairs
Winston Lord, NSC Staff
John D. Negroponte, NSC Staff
David A. Engel, NSC Staff, Interpreter
Peter W. Rodman, NSC Staff
Julienne L. Pineau, Notetaker
Irene G. Derus, Notetaker

Dr. Kissinger: Perhaps, Mr. Special Advisor, before you speak I could finish the clarifications I promised you yesterday. And then you can give a comprehensive answer.

Le Duc Tho: Before you speak I would like to bring up about something outside of our negotiations here, and before you speak.

Dr. Kissinger: Please.

Le Duc Tho: When we came here for negotiations this time I have pointed out the fierce bombing south of the 20th parallel, particularly by B-52 bombers. Over the last few days this bombing has become most ferocious, with unprecedented violence. Last time when we were beginning our talks here, the bombing was carried out against Hanoi, and Mr. Special Advisor, you yourself said that this bombing did not create a propitious atmosphere for our negotiation here leading to a peaceful settlement. And to my mind, while we are negotiating here and close to a conclusion of the agreement, I think that these actions are not favorable for our negotiating here. These actions will make the atmosphere heavier and will impede our negotiations. And I think that you should not engage in so violent bombings these days. And you also told us that when you stop the bombing north of the 20th parallel the bombing south of the 20th parallel would be greatly reduced. But instead of being reduced this bombing has been greatly increased.

This is what I would like to draw your particular attention to, and I would request to you to convey our protest to President Nixon.

Dr. Kissinger: Well, Mr. Special Advisor, when we met in October you remember Hanoi was bombed on one of the days that we met. And we, unilaterally, expressed our regret for this and we placed a restriction that has been observed to this day. And even before we stopped the bombing north of the 20th parallel we reduced the intensity of the bombing north of the 20th parallel. I will convey your concerns to President Nixon upon the conclusion of our talks today. And I hope, of course, that we will be in a position where the bombing will stop altogether within a few days. And I would add that as it becomes obvious that we are approaching that point some gesture of good will on our part is possible, even before the ending. So we will take what you have said very seriously.

Le Duc Tho: Besides that, I would like to point out whether you have any other protocols to hand us, so that we can have them translated and consider them before we exchange views on them.

Dr. Kissinger: That's what I was going to do now.

Le Duc Tho: Moreover we have a protocol we have handed to you previously on the healing of the war wounds. I have not forgotten it. I would like to remind you that you should pay attention to it. And moreover I still remember the statement of you—I have not forgotten that. Therefore if you have any paper to hand over so that we can have it, and when you go to Hanoi we can have a basis for exchanging views. The protocol you have handed us we are considering.

Dr. Kissinger: Mr. Special Advisor, as we discussed, I am very much aware, I am very much conscious, of your protocol on economic reconstruction. It is a matter that we intend to discuss in detail in Hanoi. The mechanics of doing it will have to be somewhat different than the Special Advisor proposed. That is to say, it is impossible according to our constitutional procedures simply to deposit money in a bank. But we agree to the principle of a joint economic commission. We agree to the principle of a very substantial economic reconstruction program, of roughly the amounts that we discussed. And I think we should discuss the modalities of it in Hanoi.

But let me express our philosophy on it, because I think it is important. Our philosophy is in general that we have made armistices on two previous occasions—we should this time make peace. The best guarantee for peace between us is, first, a more normal diplomatic relation and secondly joint positive enterprises. And therefore we think we have a common interest in participating in the economic reconstruction programs for the Democratic Republic. We have made several studies in our government as to how it can be done most effectively. But of course we have to use inadequate data. But we have already studied the problem intensively. We'll participate in it in a very major way. And we will discuss the modalities of it in Hanoi.

But you can consider the principle, and the fact that it will be substantial, settled.

In fact, some of your neighbors have warned us not to make it too substantial because you're too efficient. [Laughter] But we're not taking their advice.

Le Duc Tho: Now what I would like to do is to remind you of your promises. As to how to organize our joint activity in economic reconstruction and establishment of diplomatic relations between our two countries, we are carefully examining these two questions and we shall discuss when you go to Hanoi.

Dr. Kissinger: That is time enough.

Le Duc Tho: Now let me have another question before you speak, Mr. Special Advisor. Lately, the day before, you said that once we reached agreement here then you would exchange views with me on

certain possibilities afterward. I would like to know what you mean by that. What are the “possibilities”?

Dr. Kissinger: Well, I simply wanted us to be prepared for all possibilities in case unexpected obstacles arose. But this really I will be able to judge better when I see our final product. Because, as I told you yesterday, when we have a satisfactory agreement we will then have discharged our moral obligations and we will make a truly maximum effort, as we are already making now. I was thinking primarily of the schedule, which then I decided to give you yesterday already. The Special Advisor always manages to elicit schedules from me before I am ready.

Le Duc Tho: Of course the schedule that now you have proposed, both of us, we and you, should make an effort to put it in practice. But if you find that there may be obstacles then you should propose and directly tell me another schedule. As for me, any schedule can do. As to your statement that after the agreement then we would exchange views on the possibilities, this threw some doubt in my mind, because once the agreement is reached there should be no change at all.

Dr. Kissinger: No, there will be no change in the agreement. I repeat my promise that once I leave here there will be no change in the agreement, unless we find some terrible technical error in the agreement that we both agree to. [Laughter] But there will be no change after I leave Paris. If in Chapter VI we find that we have referred to the wrong paragraph, so that an Indonesian contingent winds up in Vinh rather than in Danang, then by mutual agreement we will change it.

Le Duc Tho: In this connection, on this subject, if you don't ask for a change then we would ask! [Laughter]

Dr. Kissinger: And we want you to know that in that case we would respond to your request with good will. [Laughter]

Le Duc Tho: Now, seriously speaking, we should not reiterate the mistake we have committed a second time. Once something is agreed then the agreement is done. Before we have the final agreement we should review carefully everything. Once the agreement is reached it is done. For instance, in the few coming days if we come to agreement it is very good, but if otherwise you feel it necessary to have a few more days to come to a final agreement, we are prepared to do that. Because if you raise the question of possibilities happening, then you would propose a change and maybe we don't agree to that, or we too brought about new changes, and it would be endless negotiation.

Dr. Kissinger: I agree with you, so I think what we should do is if we finish maybe today, then we should tomorrow have the experts go over the draft and we should talk about the understandings and

the protocols tomorrow and not the agreement. Then we can judge whether we need a few more days for clarifications and I would be able to let you know that, say by Saturday. It would really be a question of which way it is easiest to get general agreement. But we will now have to work with the determination to get this concluded, and after we finish today there will not be any significant modifications. But I appreciate the Special Advisor's flexibility as to schedule. It may make our task much easier. And it's a very statesmanlike approach. But we are just talking about . . . And that would surely avoid the problem of contingencies.

Le Duc Tho: Now please go on.

Dr. Kissinger: We left three issues unsettled, two issues unsettled, and there was one point I wanted to raise yesterday and neglected to. The first has to do with Chapter V, which we have redrafted, and I think you will want to study it rather than have me explain it. [Hands over U.S. re-draft of Chapter V, Tab A.] We've moved the second paragraph first—it's a reorganization in part—and then we have grouped everything that is to happen pending reunification together. And the other change, in deference to the Minister, is to call attention to the articles of the Geneva Agreement which he so painstakingly drafted.

Secondly, with respect to Article 5 on civilian personnel, what we can do is the following. I will tell you what we can do, and then I will give you a frank explanation of why. We can agree that civilian personnel cannot assume any functions that they did not exercise on November first. This is to avoid the situation that you believe occurred in Laos, where we used civilians—according to you—to perform functions that had previously been carried out by military personnel. [They confer.]

Ambassador Sullivan points out that this was of course before the Laos Agreement of 1962, because the U.S. always observes every agreement.

But seriously, you have been concerned that we might use civilians to perform some of the functions that were previously carried out by military. We are prepared to write into the agreement that no new functions could be carried out by civilians that were not carried out prior to November first. We can also agree that no civilian personnel should train South Vietnamese—or that we shall withdraw civilian personnel that are training South Vietnamese for military operations or for the use of weapon systems. What we have difficulty with is that there are some Americans in Vietnam that are training South Vietnamese in the technical maintenance of certain of the weapons that they have, not in the use but in the maintenance. This is for a limited period of time, and they will also leave.

Now I want to be very honest with you, Mr. Special Advisor. We can find some legal way of doing this, no matter what the provision

is that we write here. But we don't want to start our relationship by behaving like clever lawyers who found a loophole in what we have just agreed upon. That is a mistake we have made previously. So I have told you frankly what we can and cannot do, what we will write into the agreement to be done immediately and what we can only do after some longer interval. With regard to civilians—there's no question about military personnel. But we will not shift military functions to civilian functions. And we are also in the process, even in the permitted categories, of drastically reducing the number of civilian personnel, as a gesture of good will. So you should know, apart from this, that we have ordered a very drastic reduction.

Now a third point, also concerned with paragraph 5. Now, as the Special Advisor knows, I am haunted by two things: the Ho Chi Minh Trail and the so-called North Vietnamese forces. I think we have satisfactorily settled the problem of the Ho Chi Minh Trail. I only want to visit it before the Japanese tourists arrive. [Laughter]

With respect to the North Vietnamese forces, yesterday we have originally proposed that in Article 5 we state that together with United States forces all non-South Vietnamese forces should be withdrawn. I told you yesterday that we would withdraw this particular proposal. And I maintain this. But I would like to remind you of an idea that I have advanced to you and I have pointed out on a number of occasions that would greatly ease the difficulties. Namely that prior to the agreement going into effect, or shortly afterward, no doubt both sides may want to redispotion their forces, as a unilateral gesture. And I had pointed out before that the redeployment of some forces—not as part of the agreement—would be noticed and would make a great contribution. And this—of course you do not need military advice from me, although I would be glad to give it—but for example, in the northern part of the country . . . But any place else it would be noticed.

Those are all the clarifications I wanted to give before the Special Advisor . . .

Le Duc Tho: Originally Mr. Special Advisor said that he would give general remarks so to give the comprehensive view, but now I see that you have gone into the details.

Dr. Kissinger: No, as I understood the Special Advisor yesterday, he wanted me to complete any points in which I have not been clear, and I wanted to complete my points. And I made really more general remarks at the end of the day yesterday.

Le Duc Tho: So today you have exhausted all the concrete changes you want to bring to the agreement?

Dr. Kissinger: That is correct.

Le Duc Tho: Now I realize that there are two chapters very difficult for us to solve. And you have guessed which chapters they are.

Dr. Kissinger: Chapter VI and Chapter IX!

Le Duc Tho: This is Chapter III and Chapter IV, which are different from your draft, your Chapters.

Dr. Kissinger: I am very surprised.

Le Duc Tho: There is nothing surprising in that.

Dr. Kissinger: No, you are right. Those are the two difficulties.

Le Duc Tho: Now in my view we should let aside these two chapters, because we and you should find out some way to settle these two chapters.

Dr. Kissinger: I agree.

Le Duc Tho: So as to complete the agreement. Otherwise we can say that the agreement cannot be completed.

Dr. Kissinger: That is right.

Le Duc Tho: And as regards these two chapters I have expressed my views to Mr. Special Advisor. We will do great effort to bring about an approach to these chapters, but you should also make a great effort, some greater efforts than ours. So provisionally, I propose to leave aside these two chapters because they are difficult ones.

So now let us resolve a number of concrete points. After this we shall tackle these two chapters. Whether or not they will be immediately solved. If not, it will be difficult.

Now we still have six questions to raise in the agreement, outside of Chapter III and Chapter IV.

First, I would like to deal with the Preamble of the agreement. So far I have never found any agreement that have been reached so far in which the names of the countries are not mentioned. The Geneva Agreements of 1962 on Laos and the Geneva Agreements of 1954 on Indochina mentioned the name of the countries. Moreover the mention of the name of the government does not mean the recognition of this government. Because practically, in reality, this is a four-party conference and the agreement will be signed by the four Foreign Ministers.

Dr. Kissinger: But think of the suspense when people get an agreement and need to read the whole thing to find out who it applies to.

Le Duc Tho: What I want is that at the beginning of the agreement the different governments should be mentioned here. But in the agreement I want to simplify the wording and reduce the number of words in the agreement. And I think that my argument is something true, automatically true. I will give you my concession if you can find any agreement signed in which there are two or three parties and the names of the governments are not mentioned in the agreement. This is one point on which I can make no concession at all. Why, frankly speaking, Madame Nguyen Thi Binh read your proposed change and she was

very angry. [Laughter] She said she would not sign the agreement if the name of the PRG is not mentioned.

Dr. Kissinger: Mr. Special Advisor, you and I go through the same thing every evening. We also have some friends who refuse to sign the agreement. In fact they are bringing in reinforcements today.

Le Duc Tho: But what I demand here is justified, there is some reason for it. But as to your proposal, there is no reason at all. If you can find some convincing reason to convince me and appear to everyone that your reason is correct, to that I will agree.

Dr. Kissinger: No, my reason is this, since we have to speak openly with each other today. You know what the difficulty is. And we therefore thought the solution was, without discrimination to anybody, simply not to list either the government in Saigon or the Provisional Revolutionary Government but to allow each to sign with its regular title. So that Madame Binh would sign as the Foreign Minister of the Provisional Revolutionary Government.

Le Duc Tho: No discrimination, but if you don't mention the name of the government here, who would have to implement the agreement? I don't see any agreement so far that the name of the government is not mentioned in the agreement.

Dr. Kissinger: Well, it is "the parties participating in the Paris conference," and then at the end the parties signing it are listed by name and title. So that the total impact will be perfectly clear.

Le Duc Tho: We disagree to that, and we demand that at the very beginning of the agreement, like has been done for Geneva Agreements of 1954 or the Geneva Agreements of 1962, [we name] which governments have to implement the provisions agreed to. We signed the Geneva Agreements of 1954 and those of 1962 and there is no agreement where there is no mention of government, so definitely we will stick to this point. So you have proposed changes to what provisions which we have agreed to, but as for me, I have never brought any changes as the changes you brought here.

Dr. Kissinger: No, I understand your point, Mr. Special Advisor.

Le Duc Tho: Now, can we settle this way?

Dr. Kissinger: Let us consider it and maybe we can come up with something. We may have to put it aside for today. But we understand your argument.

Le Duc Tho: But let me point out to you this point. If now the agreement comes to a settlement, if you review the agreement, then you have brought more changes than we have brought.

Dr. Kissinger: That is true.

Le Duc Tho: But we have agreed to the agreement and now you have brought so many changes. You should know our difficulties too

because we have divulged the agreement for our people to see. Because if so many changes are brought to the agreement how can our people understand? So it is very difficult for us, and these difficulties are caused by you to us. It was not our intention to divulge the agreement, and when we divulged the content of the agreement it is only the main points, some of them. So I invite you to reconsider this point, and we should solve this question.

Dr. Kissinger: We'll have to discuss it with some of our friends.

Le Duc Tho: Please, I agree. But I should point out our views on that.

Dr. Kissinger: I am grateful to you and we will take them very seriously.

Le Duc Tho: Now regarding the question of civilian personnel associated with military matters, Article 5. In sum, what we demand is that civilian personnel, whether before November first or after—naturally if they came after November first they should be withdrawn—but all civilian personnel associated with the military training, supply, storing, use of war materials should be withdrawn. I think it is something fair and reasonable. Because this is [*what*]² you had done in Laos; we have had the same demand and you agreed to that. Now you should apply the same provision to this agreement.

Now, Article 7, your new Article 14, “from the enforcement of the ceasefire to the formation of the government provided for in 9(b)” — you want to delete the 9(i) but I would like to maintain “provided for in 9(i).”

Dr. Kissinger: Could I understand why? Because 9(i)—now Article 14—doesn't provide for a government.

Le Duc Tho: Because it is linked to the question of introduction of armament and the question of military aid. Therefore after the ceasefire these things should not be done.

Dr. Kissinger: All right, I agree. It's not very logical but I agree to it.

Le Duc Tho: Now, regarding the question of the demilitarized zone.

Dr. Kissinger: Yes, we gave you a paper.

Le Duc Tho: I have it. You have just handed us the paper which we shall consider and I shall answer you later.

Dr. Kissinger: Right.

Le Duc Tho: Now, Chapter VII regarding Laos and Cambodia. I agree to your formulation, but I would like to propose this for clarification: “They shall strictly respect the principles of the Geneva Agree-

² Bracketed insertion supplied by the editor.

ments of 1954 on Cambodia and the 1962 Geneva Agreements on Laos." I add the word "principles."

Dr. Kissinger: Why?

Le Duc Tho: Because the agreement contains many provisions regarding the internal affairs of these countries. Because if I say that I respect the whole agreement, then we would interfere in the internal affairs of these countries. It is more correct to say "principles of the agreements." When I say this I mean respecting the whole agreement, but it is the principles only, because otherwise I would interfere in the internal affairs.

Dr. Kissinger: I understand your point. Let me think about it. I understand what you are trying to do and let me see if we can find some formulation that accomplishes this. I understand your point; I want to think about it a little bit.

Le Duc Tho: Because there is no difference to put "respect the 1954 Geneva Agreement," but I want it more precise.

Dr. Kissinger: I understand.

Le Duc Tho: Because if we put "principles" it is more concretely spoken. Because if we put only "Geneva Agreements of 1962" it is vague but "principles" is more specific, and the mutual respect by each country of the principles . . .

Dr. Kissinger: I must say I have made an impression on the Special Advisor when he admits that principles are more significant than clauses in the agreement. My metaphysical lectures have made some impact. [Le Duc Tho laughs before the interpretation.] And now I learn he understands English.

Le Duc Tho: In some places abstract, in some places concrete.

Dr. Kissinger: The Special Advisor will astonish the students at Harvard when instead of Marxism he will lecture on Idealism.

Le Duc Tho: But we are always against Idealism.

Dr. Kissinger: Mr. Special Advisor, it is apparent I have to give a little course on Leninism to Ambassador Sullivan. He doesn't understand the difference between Idealism and Materialism.

Le Duc Tho: So now, to sum up, in the chapter on Cambodia and Laos, Article 20(a): I add the word "principles"—otherwise I agree with you.

Dr. Kissinger: After you finish with all your comments I will respond. This will bring us to an agreement, I just want to think about it.

Le Duc Tho: I have very rapidly bring about more agreements, so I make you think.

Dr. Kissinger: That's how you get me confused—I get into difficulty afterward when I realize what you've done to me. Have you accepted

the other changes in 20(a)? Where it says “to encroach on the sovereignty and security of one another and on other countries.”

Le Duc Tho: Yes. Agreed.

Dr. Kissinger: All right.

Le Duc Tho: With good will from our part. Because this is a show of good will.

Dr. Kissinger: [Laughs] It is a great sign of good will. No, Mr. Special Advisor, we appreciate your attitude and we have not questioned your motives at any point since we started talking seriously.

Le Duc Tho: Now, 20(d). So in this point you should concede [to] me. “The problems existing between the Indochinese states.” Now I agree to that. “The problems existing between the Indochinese countries.”

Dr. Kissinger: “States.”

Le Duc Tho: “The problems existing between the Indochinese countries.” You propose “The problems existing between the Indochinese states.” Now I propose “The problems existing between the Indochinese countries.” I delete the word “Three” but change “states” to “countries.” But the last sentence should be deleted. It is something haunting you about the North Vietnamese forces, implied. Because previously it is provided that “foreign countries shall withdraw from Laos and Cambodia and refrain from introducing troops, etc.”. And therefore this sentence is superfluous.

Dr. Kissinger: Well, if it is superfluous, what is the objection?

Le Duc Tho: There are two reasons for that. Because this sentence implies your idea of North Vietnamese forces in South Vietnam. Yesterday you said that there are still two sentences in the agreement in which you imply about the North Vietnamese forces: this sentence and second the sentence regarding the reduction of military numbers. This sentence has been proposed by you previously. I have expressed my views and you accepted to delete it—now you try to insert it again.

Now Chapter IV, reduction of military effectives in South Vietnam.

Dr. Kissinger: Yes I know, Article 13.

Le Duc Tho: Article 13. We maintain the former wording, the former proposal. But you are still hinting at the North Vietnamese forces. Therefore we maintain the former formulation.

So these are our stands regarding the above-mentioned questions. These are the questions I would like to raise to you for settlement. For some you have agreed to; for others we have responded to your requirements. So there are still a few questions left unresolved. So there are still a few questions that remain unresolved which we should make an effort and settle them.

These questions are as follows: The name of the four governments, the question of the civilian personnel associated with military functions, the question of the DMZ, the question of Article 20(d) in the chapter on Laos and Cambodia.

Dr. Kissinger: Exactly, and the question of Article 13 in Chapter IV. Let us take a very brief break, only five or 10 minutes, unless you have additional things to say.

Le Duc Tho: Nothing.

Dr. Kissinger: Let us take a very brief break.

Le Duc Tho: So after the short break we'll resume and you will express your views and I shall do the same.

Dr. Kissinger: Exactly.

[The meeting broke at 11:52 a.m. and resumed at 12:15 p.m.]

Le Duc Tho: We have passed the break you proposed.

Dr. Kissinger: Now the Special Advisor is starving me into submission.

Le Duc Tho: Please.

Dr. Kissinger: With respect to Article 20(a), I understand the Special Advisor's point that we really have no standing with respect to the domestic provisions of the agreement. But I think that the phrase "principles" is, to use a phrase I have heard, not sufficiently concrete. I therefore propose that we say "shall reaffirm their obligations under" these agreements, so it is only that we reaffirm our obligations but are making no statements about the internal structure. So the sentence would read: "The parties participating in the Paris conference on Vietnam reaffirm their obligations under and shall strictly respect the 1954 Geneva Agreements on Cambodia and Laos and the 1962 Geneva Agreements on Laos and the Cambodian and Laotian peoples' fundamental rights as recognized therein." The only change really is "obligations" for "principles." [Both sides confer.]

Le Duc Tho: So we have to redraft the wording.

Dr. Kissinger: Why?

Le Duc Tho: We are doing that. I amend your sentence to find out the most correct wording.

Dr. Kissinger: [Laughs] I think the Special Advisor is training for Pope. He's already achieved infallibility.

Le Duc Tho: [Laughs] Please go on; we shall return. I shall answer you later.

Dr. Kissinger: Now let's go to 20(d). I will make a specific suggestion and then I will make a general comment. We will accept the word "countries" if you will accept the following conclusion of this sentence. It would be all one sentence then, and after "internal affairs" we would

add “accepting the principle of maintaining their armed forces within their own frontiers.” This would not be a new sentence.

Now let me explain. We have tried to take into account your view with respect to “countries” and we recognize how this may be interpreted. But I would like to make a general comment about this clause as well as Article 13. I see no possibility of bringing about an agreement within the time frame that we are talking about, or within any time frame, unless we take into account this concern which I have expressed to you. In Article 13 we have expressed nothing that has not been orally said to us before. It’s not a new thing. It is an elaboration of what is already implied. And in Article 20(d) we have agreed to the reduction of military strength and demobilization.

Le Duc Tho: We have agreed to write it as it was written.

Dr. Kissinger: Originally?

Le Duc Tho: As has been agreed to.

Dr. Kissinger: You do not agree to our proposal?

Le Duc Tho: I agree to what has been agreed to between the two parties previously, about the reduction of military effectives and the demobilization of troops.

Dr. Kissinger: All we are doing here is to be a little more specific in elaborating the procedure. It has no additional implication.

Le Duc Tho: But we disagree to the modalities you propose here. I think that these modalities should be agreed upon by the two South Vietnamese when they settle the political questions. And what you have just raised regarding 20(d), I disagree to your last sentence here. Because originally you raised this sentence and we have expressed lengthily our views and you have accepted to drop it. Now you want to put it again. Because there has been a provision saying that after the restoration of peace the two South Vietnamese parties should refrain from introducing armaments, troops and so on into South Vietnam. Therefore there is no need to mention that troops should remain within their frontiers. Because as you said yesterday, your intention is that what you call North Vietnamese troops should be withdrawn from South Vietnam by putting that they should remain in their frontiers. This is your intention and we disagree to that. And this is a question of principle for us, and any sentence implying what you call North Vietnamese troops should be dropped. This sentence has this implication and we can’t accept that. There is no provision saying that American troops should remain within their U.S. national frontiers. Practically, we are remaining within our national frontiers but the situation in Laos and Cambodia is known to you. The Indochina situation, the Geneva Agreements of 1954 and 1962 become valueless now. Now once the war is ended regarding Laos and Cambodia, we have said

that “foreign countries shall not introduce troops and armaments into South Vietnam, Laos and Cambodia”—it is explicit. We will never introduce troops and armament, etc., except when we are subjected to aggression. And if we are subjected to aggression again, it is a matter of course that our whole nation will stand up again. And now if the war is ended all countries shall undertake not to introduce armament, troops, etc. into South Vietnam. I have been telling this to you over the past four years; therefore we maintain this view. As you know we have a question of principle. We have made great concessions to you.

Now let me speak about the few points you have just raised. Please carefully think over it again and definitely we will make no concession on that point.

Let me now clarify the two things you have just raised. Regarding Article 20(a), taking into consideration your views, I amend the sentence as follows: “The parties participating in the Paris conference on Vietnam shall strictly respect their obligations under the 1954 Geneva Agreements on Cambodia and the 1962 Geneva Agreements on Laos and shall respect the fundamental right of the Cambodian and Laotian peoples.” Just same substance as yours.

Dr. Kissinger: That’s all right.

Le Duc Tho: Now regarding the withdrawal of civilian personnel. In that connection we maintain what we have proposed. But taking into consideration your views, we will have an understanding to be taken note of, that “A small number of civilian personnel assisting in the maintenance of armament will be withdrawn a little later than the time period of 60 days, and the two parties will agree upon which number is such small number of civilian personnel.”

Dr. Kissinger: Who are the two parties?

Le Duc Tho: You and I. The time period for the withdrawal of such civilian personnel is 90 days after the signing of the agreement.

Dr. Kissinger: That’s useless.

Le Duc Tho: Otherwise we shall demand the total withdrawal. So taking into account of your concern I have agreed to this, as you say. That you will keep behind a certain number of civilian personnel for some time.

Dr. Kissinger: To return to the original problem we discussed before, that is, the problem raised by Article 13. On October 10 the Special Advisor said to me: “Military effectives should be reduced—it is one aspect of the problem—but not only the military effectives should be reduced but they also should be returned to their native place.” This is what we are referring to in Article 13.

Le Duc Tho: It is not true that I said that they should return to their native place.

Dr. Kissinger: Well, maybe our record is wrong.

Le Duc Tho: Definitely.

Dr. Kissinger: Well, we then have a number of very difficult problems.

Le Duc Tho: Because it is what you are haunted by—this is the implication of the so-called North Vietnamese troops. You know I do not want to have it written in the agreement, but practically speaking, after the end of the war naturally the two sides will reduce their military numbers. This is what we have agreed to, both sides, and now you want to change it.

Dr. Kissinger: No, we don't want to change it; we simply want to be more specific. Because it is in any event a very difficult problem to tell an ally that a peace is made which leaves a large number of forces that are considered not a part of that country's forces on its territory. That is already a considerable concession. All we want to say is "return to their native place". We are not saying where the native place is; we're just saying they should leave.

Le Duc Tho: Moreover, the troops demobilized may return to their native places or they may live at the place of their choice, because in the democratic liberties has been mentioned freedom of movement, etc.

Dr. Kissinger: Well, after they're demobilized at their native place they can go wherever they want to.

Le Duc Tho: So you mean that when they are demobilized they are to be bound and escorted to their native place? When they are demobilized the demobilized troops may return to their native place or may live at the place of their choice.

Dr. Kissinger: After they have gone to their native place.

Le Duc Tho: For instance now suppose I am demobilized, I do not want to return to my native place. I want to remain here . . .

Dr. Kissinger: The Special Advisor is demobilized in Hanoi and then we bring him to Harvard.

Le Duc Tho: Then I would be kidnapped.

Dr. Kissinger: From Hanoi? That's difficult—we tried it once. [Laughter]

Le Duc Tho: It is not a good thing that you have tried. It is not good. And it was not well done that time.

Dr. Kissinger: It was well done but there was no one there!

Le Duc Tho: So you failed.

Dr. Kissinger: No, the idea would be—I don't know how it's done in Vietnam. But in our country when a soldier is demobilized he is given orders where to go for his demobilization, and then he is free to go wherever he wants. And we would visualize the same process here.

Le Duc Tho: In Vietnam when a soldier is demobilized he is asked in what place he wanted to go and then he expresses his views and he will be given a paper to go to that place.

Dr. Kissinger: I think that's the problem. I think you demobilized about 300,000 men who said they wanted to go south and so you sent them!

Le Duc Tho: It is of their own will.

Dr. Kissinger: Well, Mr. Special Advisor, we have a very serious problem on this issue and we have not viewed it lightly. We have discussed it by message with you because we understand it is an issue of principle for you. But it is also an issue of principle for others, and we have avoided the most difficult formulations for you and we have really attempted to find the formulation which would not raise the issue of principle in an acute form for you. And we are realists enough to know that it depends on the practice, not on the agreement.

But it is a difficult issue and many things depend on it. It is one of these difficult issues on which many consultations are involved and there are conflicting views on the principle of it. We recognize that in practice many things will have to evolve, but there is nothing in this article that has any more specific obligation than the political articles, and since you have said the two are related to each other—I think this is true—the two will be related to each other in the same time scale. And with less precision—this provision is less precise than others. The obligation is to discuss.

Le Duc Tho: I have repeatedly told you that it is a question of principle for us that in the agreement there should be no sentences that can imply or that can let understand about the North Vietnamese troops. It is a matter of principle. Therefore in the agreement we will not accept any such sentence. And when we proposed to write about the reduction of military effectives and the demobilization of troops it is a great good will from our part and it is something fair and reasonable. And if you write the article like you propose, then after your withdrawal the two South Vietnamese parties will engage in discussions and then the Saigon people will base themselves on that to demand this.

Dr. Kissinger: To demand what?

Le Duc Tho: They then would demand the withdrawal of North Vietnamese troops.

Dr. Kissinger: Well, not if there are none there.

Le Duc Tho: I have told you about that. These are the voluntary troops and these are the children of South Vietnamese regroupees. They have been organized into units and go and fight in South Vietnam. Now these troops are under the command of the PRG of the Republic of South Vietnam.

Dr. Kissinger: Well, we will have to put this aside.

Le Duc Tho: Now let me speak about the DMZ. Taking into account of your views we have redrafted as follows. I agree with you to put the paragraph regarding the reunification of Vietnam as the first paragraph. After the paragraph reading "The reunification of Vietnam shall be carried out . . ." then in the next paragraph we quote the following: "Pending reunification, the provisional military demarcation line between the two zones at the 17th parallel will be provisional and will not be a political and territorial boundary."

Dr. Kissinger: You mean the "military demarcation line." There's no sense saying "provisional" twice.

Le Duc Tho: No, "The military demarcation line between the two zones at the 17th parallel is only provisional and not a political or territorial boundary, as provided for in paragraph 6 of the Final Declaration of the 1954 Geneva Conference."

Dr. Kissinger: Now wait a minute, I'm a little slow. Let me read this back so I am sure I have it straight. First you begin with the paragraph "The reunification of Vietnam shall be carried out step by step" and you leave that unchanged.

Le Duc Tho: Right.

Dr. Kissinger: "Then you have the phrase "Pending reunification," and then you move up the next paragraph and you say "The military demarcation line between the two zones at the 17th parallel will be provisional and will not be a political and territorial boundary." All right, this comes then after "Pending reunification."

Le Duc Tho: Yes, this paragraph will be moved after the words "Pending reunification." Then.

Dr. Kissinger: Good.

Le Duc Tho: Then "South and North Vietnam shall respect the demilitarized zone on either side of the provisional military demarcation line." This is what we propose to write. And we do not write "as provided in Article 24 of the 1954 Geneva Agreements on Vietnam."

Dr. Kissinger: You do not write it?

Le Duc Tho: No.

Dr. Kissinger: Why not?

Le Duc Tho: Because the situation was then the hostilities between us and the French. It is a provision between us and the French. There was regroupment of forces from South to North and North to South and that is the reason for that provision. Now we have been fighting against you. You will be withdrawn. Either side of the demarcation line both parties should respect the military demarcation line and the two South Vietnamese parties shall refrain from introducing arma-

ments and troops into South Vietnam. This is the provision of Article 7 so there is no need to mention here. Because the provision of Article 24 is between the Vietnamese and French, and the French troops were regrouped to South and our forces were regrouped to North. So it is adequate, completely adequate.

Dr. Kissinger: Would you read it again?

Mr. Phuong: "South and North Vietnam shall respect the demilitarized zone on either side of the provisional military demarcation line."

Le Duc Tho: So all the changes have been brought by you. The agreement has been reached by both sides, but you are always bringing changes and we have only to meet your requirements.

Dr. Kissinger: No, no.

Le Duc Tho: It is obvious.

Dr. Kissinger: So "South and North Vietnam shall respect the demilitarized zone on either side of the provisional military demarcation line." It means you've got to come down the Ho Chi Minh Trail again. [Laughter] It means I'll be haunted again.

Le Duc Tho: Be not worried. After the ceasefire in Vietnam and Laos, according to the explicit provisions of the agreement, both parties shall not introduce troops, armaments, into South Vietnam, Laos and Cambodia. Do not worry.

Dr. Kissinger: I think the Special Advisor is waiting until we have paved the Ho Chi Minh Trail as a part of our reconstruction program for Indochina. [Laughter] And made a four-lane highway out of it. [Laughter]

Le Duc Tho: It would be a good thing if you construct such a highway, and consumer goods will be transported on it.

Dr. Kissinger: We'll discuss it in Hanoi. Because we have to know General Giap's requirements! We don't want to put it in the wrong place.

Le Duc Tho: You are always haunted by the Ho Chi Minh Trail. As far as we are concerned, we are always haunted by American forces in Thailand, in the Philippines and in your fleet throughout the Pacific.

Dr. Kissinger: I think as our relationships improve, as they will, I think, this is not a problem that need haunt you. And if there is a prolonged period of peace these forces will undoubtedly be reduced to a more peace time size.

Le Duc Tho: So we propose this amendment to Article 15 regarding the demilitarized zone.

Dr. Kissinger: And the rest of the paragraph you accept as it is?

Le Duc Tho: Agreed.

Dr. Kissinger: Well, I will provisionally accept this and if I have any comment it will not be of a very major nature.

Le Duc Tho: So the concrete questions which remain unsolved are the following:

Dr. Kissinger: I told your interpreter in the break you conduct negotiations like an artillery expert; you fire a shot on one side, one on the other side, and then you drop one in through the chimney.

Le Duc Tho: But practically speaking, sir, you have brought many changes in the agreement and you are attacking me.

Dr. Kissinger: No, I am impressed.

Le Duc Tho: And I only counter-attack. [Laughter] But on the main points I stick to my ground because we have agreed to it. So we have made progress regarding Chapter VII, about the demilitarized zone and Laos and Cambodia.

Dr. Kissinger: Yes.

Le Duc Tho: We have made progress regarding the civilian personnel associated with military functions. We have taken into account your views but you have not yet responded. You should find some correct solution.

As to the names of the four governments in the Preamble, you should maintain it—there is no reason to change it.

As to the other part of the agreement, you can say “the parties participating.”

Dr. Kissinger: I understand—you want to list it only in the Preamble.

Le Duc Tho: Yes.

Dr. Kissinger: We have to discuss this.

Le Duc Tho: But it would be difficult to come to a settlement if you refuse it.

Dr. Kissinger: I understand.

Le Duc Tho: Now let me express certain views. Particularly with a view to settling Chapter III and Chapter IV. This is a very important matter for us.

At the beginning of this round of meetings, I told you about the questions of principle and substance for us on which we have reached agreement and now you wanted to change. On these questions of principle and substance I can definitely tell you my clearcut views that we will not accept any changes.

At the same time I have pointed out a small number of changes or supplements. Among these questions the most important is the question of captured peoples of the parties. My views are known to you. These are the questions. This so-called withdrawal of North Vietnamese forces from South Vietnam.

Dr. Kissinger: Is it the “so-called withdrawal” or the “withdrawal of so-called North Vietnamese forces?” [Laughter]

Le Duc Tho: Both.

Dr. Kissinger: I want to learn the correct terminology before I visit Hanoi.

Le Duc Tho: The second problem is the whole Chapter IV. Thirdly, the enumeration of the four governments in the Preamble. These are the questions of principle which we both have agreed to and now we maintain them. We don't accept any change.

But I have raised another question which I have agreed to but now I raise it again. This is the question of the return of captured people. We accepted this chapter on condition that the agreement would be signed on October 31. These are great matters of concern of ours. Among these matters of concern there are some which we have agreed, both sides have agreed. But another is the question of captured people and I know that you too, you have questions of concern. The question which has been haunting your mind is the so-called question of North Vietnamese forces withdrawing from South Vietnam. Your second question of concern is the question of the ceasefire in Laos.

But regarding your concern about the so-called North Vietnamese forces withdrawing from South Vietnam, I definitely told you that I will not accept any sentence in the agreement implying about these forces.

Now, in order to settle the concrete questions in Chapter IV and Chapter III: If now you strictly maintain what we both have agreed to in Chapter IV and solve the question of Chapter III as we have proposed, then we will have an understanding and we will pay attention to reality, practicality, and we will discuss with the Provisional Revolutionary Government of the Republic of South Vietnam so that the latter will redeploy a number, symbolically, a number of its armed forces in the extreme north of Vietnam, that is to say, south of the demilitarized zone.

Regarding the ceasefire in Laos, we will discuss with our allies in Laos so that the ceasefire in Laos may take place sooner than one month, a little sooner than one month.

Dr. Kissinger: What's a little sooner? Twenty-eight days?

Le Duc Tho: Let me go to that. If you pay due attention to our concerns—and it is not a question of paying attention to our concerns but if you strictly implement what has been agreed to—we should not have any additional understanding. We should not have any understanding at all. Why? Because these questions are already agreed questions. Now you ask for changes. But because of our resolve to settle the problem, we have put forward these solutions. So you should realize that we have made a very great effort. You should also understand that in the past we have made great effort. The so-called question of North Vietnamese forces—it is a matter of principle that we will never

raise this question. Now we have made another practical effort, as I have just proposed. Moreover, you have been satisfied as regards the question of Laos, and I have made an effort to give you more satisfaction regarding Laos. So you should fully respond to our demand regarding captured people in Chapter III and the political question in Chapter IV.

It may be said that these are great efforts from our part. We should have come here without any change brought to the agreement. We should have made no understanding at all. But it is our last effort. It is our last effort in order to peacefully settle the Vietnam problem. We can have no further effort. There can be no further concession. All this shows good will on our part, and if a correct solution cannot be found as a result of our effort, then the negotiation will fall into a deadlock.

You know any subject has its laws of development, and it has some limits to this development in accordance with its laws of development. It is so regarding our good will, too. It has its limits already. There can be no settlement by dropping all matter of principles.

So our good will, I may say, has come to its limits. Whether we have peace or there will be a continuation of the war, it fully depends on you. It is what I have told you with great frankness, with great straightforwardness. If now after this show of good will from our part, if no settlement is reached, what do you say we should do? The only possible conclusion is that since no settlement is reached then the negotiation will break and the war will continue. Although my subjective desire is not such a situation, but objectively speaking such a situation happens.

So this great effort from our part should be realized by you. Therefore it becomes now obvious—whether a settlement is possible or not wholly depends on you. If now we review the agreement, we have agreed on everything previously. In the message of the President of the United States he said that the agreement can be considered to be completed. But anyhow I came here again to discuss with you and we continue to make great efforts. It is something undeniable, and you should also realize it. If now you don't respond to our questions of principle, then no settlement is possible.

I have spoken lengthily about the captured and detained people. Probably it is a subject on which I have spent much time to speak about.

The political questions in South Vietnam: You have known what great effort I have made in this connection. We have dropped our demands on the formation of the three-segment government, the immediate resignation of Mr. Nguyen Van Thieu. Even there are members of the Nguyen Van Thieu administration, those people demand also the resignation of Nguyen Van Thieu, but we have dropped this demand. Now it will be formally only an administrative structure called the National Council of National Reconciliation and Concord

composed of three segments, and moreover the third segment will be chosen by agreement and consultation of the two parties, and you disagree with that. Regarding the lower levels of the Council, it will be subject to agreement and discussion of the two parties, and you want it deleted. Even regarding the question of general elections, there is nothing in it and you want to drop the word “general.” Moreover, the Council will operate in accordance with the principle of discussion and unanimous decision and even the word in Vietnamese “see to,” “oversee,” you want to drop. How do you envisage then this body? And now you want to take out all these details of such a body.

These are very great questions. I can frankly tell you that if these questions are not solved then no settlement is possible. I can tell you now this is the final limits, frankly speaking. We can have no other concession.

So you have seen our great efforts regarding the political questions, regarding the military questions. So in the so-called question of withdrawal of North Vietnamese forces from South Vietnam, we can’t agree to that and we can’t agree to any sentence implying that question in the agreement. But practically speaking we can have an understanding as I have just described to you.

As to the replacement of armaments, if it is as it is written in the provision I understand that practically you can introduce any amount of armaments. On the question of Laos and the question of Cambodia, particularly the question of Laos, in all these questions we have made great efforts.

What do you say? What efforts should we do again? Further efforts mean that we shall put the agreement into the fire. This is a fact. There is no other way. We have done our utmost. This is a great show of effort we have done in connection with the so-called North Vietnamese forces. If we can’t reach a settlement it is completely on account of you only.

I have said this with open heart, with open mind. I can think nothing else. This is a fact. So you should have realized that all our moves are aimed at peacefully settling the problem. If now the war continues it is all completely on account of you. So we have done our utmost, really, animated by the desire of settling.

Dr. Kissinger: Mr. Special Advisor, I propose to take a few minutes’ break. But I would like to clarify a few of your observations, simply to make sure that I have understood them correctly. I recognize that you have made a great effort, even though if you quote this “if the negotiations fail and the war continues it is up to you,” it will not be helpful to us. And we, too, have made a great effort, and now the really difficult question is whether we can find means of overcoming the few remaining obstacles.

As I understand it, your basic proposition here is we have to change paragraph (c) of the chapter on prisoners.

Le Duc Tho: Right.

Dr. Kissinger: Then in return for this you will discuss with the PRG the movement of some number of forces in the northern part of the country. Of course you did not say where they are going to go. We assume they are not going into the Delta.

Le Duc Tho: I think that a not so clever man can understand that. But you are a very clever man and you are quick to understand. But not only you have to change the paragraph regarding the captured people, but also the point I have raised regarding Chapter IV. You should maintain it and you have agreed on them with me.

Dr. Kissinger: Now, of course you recognize you have made two very major demands, one having to do with American civilians and an even more major one having to do with civilian prisoners, and in return for this there is improved language on the DMZ, some slight change in the timing on Laos and some movement of forces in Military Region One, the size of which is not specified. But I simply wanted to understand what your proposal was. I will make comments after a brief break. Let us take a break.

Le Duc Tho: I should add before we break that you should make an effort, great effort, frankly speaking.

Dr. Kissinger: I understand, I understand. I have understood the Special Advisor very well.

[The meeting broke at 1:52 p.m. for lunch. Roast beef, chicken, fruit cake, wine and port were served. The meeting resumed at 2:43 p.m.]

Dr. Kissinger: Mr. Special Advisor and Mr. Minister, my colleagues and I want to thank you for this very excellent lunch you arranged for us.

Xuan Thuy: It is Thanksgiving Day.

Dr. Kissinger: It is very thoughtful of you and we appreciate it.

Let me make a few observations. I think we have made some progress today. I think the chapter on the DMZ and the reunification of Vietnam is improved, and what we have agreed upon on the chapter on Cambodia and Laos is also an improvement. But we now come to some of the difficult issues which the Special Advisor discussed towards the end.

We have to balance these improvements against the very major changes that have been proposed by your side concerning American civilians and concerning civilian prisoners.

With respect to the civilian prisoners, we have two concerns, both of which I have expressed. First, we do not want the release of prisoners

related to what will undoubtedly be a very difficult issue of deciding who is a political prisoner and who is an ordinary criminal. And secondly, the objective tendency of some of your proposals is to remove all those issues with which the Saigon Government can bargain and to retain, in your hands and in the hands of your friends, all those issues with which they can bargain. So it is very difficult for us to return from these negotiations with a document that is even more subject to criticism than the one which we had attempted to clarify.

Now we understand your question of principle, but as I pointed out there is a question of principle involved also on the other side. I have no immediate solution to that problem. But let me indicate—I have no solution at all to Chapter III—but let me, having considered some of the criticisms that the Special Advisor made with respect to Chapter IV, as a sign of our good will, indicate what we can be prepared in Chapter IV to do. Since the deletion of the word “general” seems to pose such major difficulties, we will be prepared to restore it. “General elections.” And if the Special Advisor can accept the phrase “representing all political tendencies in South Vietnam and whose members shall be chosen equally by the two parties,” we will be prepared to restore the original sentence about “local councils” or “councils at lower levels.”

And I have already yesterday indicated our readiness to accept the word “structure.” We would only ask that the word “administrative” be translated by the correct Vietnamese word.

With respect to the word “oversee,” “promote,” “encourage,” I think we should let the experts discuss this. We do not object to the sense of “see to” in English.

So this then restores the political provisions to what they were before we met, with one modification which reflects the political realities.

With respect to Article 13, we will have to study this, because—we recognize it is a very difficult problem for you—but it is also a very difficult problem for us.

With respect to the ceasefire in Laos, we are not proposing this to get any advantage. We are proposing it in order to take account of the best conditions to promote an improved relation between us after the war. As I told the Special Advisor two days ago, if the war in Laos continues and the war in Vietnam ends, we will continue substantial air activities in Laos. You will be tempted to reply with military activities of your own, and then the end result will be that for a difference of several weeks we are fighting each other in another country when we have already agreed to settle it. This is our concern about Laos.

We have noted your reference to mentioning four governments in the Preamble. I can only say the eagerness to sign such a Preamble will not be increased by multiplying provisions that are objectionable.

We recognize the expression of good will of the Special Adviser with respect to the redeployment of some forces in the northern-most part of South Vietnam. But in the total context in which it is put it still presents us with major difficulties. And I have made all the changes that I can make this afternoon. And of course, I recognize as we get towards the end of these deliberations the margin always shrinks for both sides. So we are talking more and more about fewer and fewer provisions.

Le Duc Tho: Have you finished, Mr. Special Advisor?

Dr. Kissinger: Yes.

Le Duc Tho: I feel it unacceptable, Mr. Special Advisor, what you have said—your refusal about proposals. If we compare the questions we have been discussing the last few days with the original agreement, what we have agreed upon, there has been great effort from our part. You should not have brought changes to what have been agreed between us here. Now you have raised a number of questions and you have proposed a number of questions and you have proposed a number of changes, and we have taken into account of your views. This is a great effort from our part. But you have not responded to our good will. How can we settle the problem now?

Now let me ask, for instance, a question on Chapter III, on the captured and detained people. You, Mr. Special Advisor, you yourself have said that if there is an understanding about the redeployment of the armed forces of the PRG, a number of the forces of the PRG in the northern part of South Vietnam, this redeployment will facilitate greatly the settlement of the question of captured and detained people in South Vietnam. Now I have made this understanding and you are still completely unwilling to settle the question. So what is this way of conducting negotiations? Because we have shown good will and great effort with the question of redeployment of a number of the armed forces of the PRG south of the demilitarized zone in order to facilitate the question of Chapter III and Chapter IV, but now you are unwilling.

Nguyen Co Thach: And now the question of ceasefire in Laos, too.

Le Duc Tho: But you have not responded to this effort and good will of ours, so in this way for certain it cannot be negotiated then. Because we have shown great good will and effort but you are still unwilling too. So it is up to you. I have been telling you repeatedly.

Dr. Kissinger: Let me explain.

Le Duc Tho: So I have exhausted all my arguments. I have told you all my arguments. You said you have difficulties, but we, too, we also have difficulties. But you do not pay attention to our question of concern and you do not pay attention to our question of principle about Chapter IV about captured and detained people.

Is there any principle for you to solve when at the end of the war when the agreement is signed, one side releases all prisoners and the other side does not do the same? So what fairness, what reasonableness is this? It should have been carried out, this question of principle, without any understanding from your part. But here we have made an understanding with you and you are unwilling to solve that question. You affirm your effort, determination, and your desire for a quick settlement, but your way of negotiating does not bear out your assertion.

The simple question of enumerating the names of the four governments signing the agreement—it is a simple matter, everyone knows that—and you are still unwilling. It is absolutely absurd. So if you stick to your stand really no settlement is possible. It is up to you.

Dr. Kissinger: Let me first state what I have previously said, so that we understand each other. First I said that the redeployment of some forces in the northern part of the country would greatly facilitate the agreement. This is one proposition, and that would be very important, and that can be a number of not decisive importance in itself. I said, secondly, this week, that a very substantial redeployment would make it easy to settle the question of the civilian prisoners. So these are two separate . . . I said then, to be precise, that if the question of what the Special Advisor calls the so-called withdrawal could be settled *de facto*, then the question of the prisoners would be very easy. [They confer.]

Mr. Phuong: So you mean total withdrawal *de facto*?

Dr. Kissinger: I didn't use the word "total."

Mr. Phuong: Substantially.

Dr. Kissinger: I did not use that word, but one I would add in that context of a larger number than in the symbolic context. [They confer.]

So that it is not that we are not paying attention to what you said, and it is not that we are totally refusing to reconsider the question of civilian prisoners. But in the context of changing the clause of the civilian prisoners, we were talking about a different kind of withdrawal than we were talking about that would assist our ability to get the agreement and the ability to get it implemented.

There are two problems. Let me sum up exactly what I am saying. One problem—for which I am here—is what is necessary to permit a rapid implementation of this agreement. I have always believed, and I have always told the Special Advisor, that in order to have a rapid implementation of the agreement a withdrawal from the northern part of South Vietnam would be extremely helpful—or a redeployment, if he wants to use his phrase. This is with respect to the agreement essentially as we have it now negotiated.

The second question is, which was newly raised by the Special Advisor, if we change paragraph (c) on the prisoners, what is the relationship of that to the issue of the so-called withdrawal? And there I was saying, when we were standing there privately, that if there were a substantial solution of that problem, a significant solution of that problem of redeployment, then it would be easy to take care of the issue of civilian prisoners. So we are talking here of the same thing in a different scale—one in relation to the agreement; the other in relation to the change of the article.

Le Duc Tho: In connection with the agreement then, there will be nothing to do with the redeployment of the forces of the PRG in the northern part of South Vietnam. Because the agreements have been agreed to between the two parties, and now the question is, you should abide by the agreement. And what I have been telling about the understanding on the redeployment on a number of forces of the PRG in the northern part of South Vietnam, it is done with a view to the release of the civilian captives in South Vietnam. Speaking of fairness we should not have done this understanding. Do you see in any war if there is the end of the war, one side releases all of the captured and the other side doesn't? What morality lies in that?

And now we have shown good will and making an effort in the redeployment in a number of forces of the PRG. Then you should respond by bringing a correct solution to this question of civilian prisoners, and maintaining Chapter IV as we have. Moreover Chapter IV has been agreed to between the two parties, and now you have to abide by it. The reply came to us on behalf of the President of the United States saying that the agreement may be considered to be completed. So now we have proposed this solution and you still maintain your changes to Chapter IV. So how can we believe that you have good will too? The message from the President of the United States is still there. It should have been that we demand you to stick to the agreed agreement, but now you ask for changes and we have shown further reasonableness, further good will, to respond to your question of concern, so you should bring correct solution to that.

Even in the question of Laos, even in connection with the question of Laos we have met all your concerns and you acknowledged that. Now you want an earlier ceasefire in Laos, and we have made an effort to do it—your requirements. We have made an effort in discussing with our friends to have such agreement.

We have further made a show of good will and effort and you do not respond to our good will and effort at all. I am certain that if you continue such a way of negotiation, no settlement is possible. In efforts they have limits to efforts. A glass of water—the glass can bear the heat of the water to some extent. The temperature of the water you

are filling into the glass should be suitable to the resistance of the glass. If the temperature of the water you pour in the glass is higher, stronger than the resistance of the glass, then the glass will be broken. I tell you this to say that efforts have their limits and you should understand these limits. If you demand beyond these limits then your settlement is impossible. It is the same with us; we have never put forward a demand passing the limits I think you can stand. This is a symbol of realism to find out a solution. Otherwise no settlement is possible. So what I am telling you now is completely up to you. It should have been that once the agreement is reached we did not accept any change to it, but over the last few days you have added so many changes and we have made maximum effort and you are unwilling to.

Dr. Kissinger: Mr. Special Advisor, first, no point is served by repeating what happened in October. We have explained to you the context in which our various declarations were made. We have informed you since then of all the issues we were going to raise. If we get involved in a propaganda battle—as to who said what or when—neither of us will really win. In any event it will not change the situation. We will either come to a mutually satisfactory solution within the near future or the war will continue.

Le Duc Tho: It is up to you.

Dr. Kissinger: It is up to both of us.

Le Duc Tho: We have made a great deal of effort. At the press briefing you said to the journalists that you would bring only minor technical changes, but actually the changes you bring here are changes of principle and substance.

Dr. Kissinger: We informed you of the issues we were going to raise. We did not want to raise an issue of prestige between us and therefore we made every statement publicly in a very conciliatory way. Besides I said there are three groups of changes, of which one was technical, and I said that the issues are relatively small compared to those that we have already solved.

But none of this really changes where we are now. We will not be able to take each other to court. An agreement is completed when it is initialed and signed. Now the issue is how we can solve the remaining difficulties.

Let me make a suggestion, since we are obviously not going to solve them this afternoon. Let us meet tomorrow to discuss some of the collateral issues such as the protocols and related understandings. And let us make one more attempt on Saturday to resolve these issues.

Le Duc Tho: We will not follow the way of negotiating you propose. You are not consistent in your statement. Your statement at your press conference in the United States and your statement now are discordant.

In your message you propose another language; in another you say another way. I still have the message. How you have raised the question you still remember, and how we have replied to your message we still remember. But in these meetings we have discussed with you so many questions.

Now we have agreed that previously we shall complete the discussion on the agreement, then we shall discuss the schedule and afterward we will discuss the question of protocol. And now you want to discuss the protocol and understandings before completing the agreement. I question then the value of your statement because you change it from one day to the other. I think if you continue this way of talking, then no settlement is possible and you will be responsible for that. We have made the great, utmost, efforts and this is known to the whole of the world. If you propose now a break, I agree with you to stop now the discussion.

Dr. Kissinger: First, let me say something. I have attempted to keep these discussions on a level consistent with my expectation that we would make peace; consistent with what I would hope to be a continuing relationship. But since you insist on questioning our good faith and our believability, I am bound to point out to you that one of the difficulties has been that we were aware of instructions you had given to your forces in the South, in which an upsurge of military activity would have coincided with my visit to Hanoi and extended through the initialing of the agreement in order to seize the maximum amount of territory. And therefore if we talk about good faith—I have not used this before because I did not want to be in this position—this was the principal cause of the difficulty. If necessary this is going to be the pattern of the discussion. It is not our preference.

Le Duc Tho: It is incorrect what you have said. You should realize how your activities are carried out in South Vietnam and in North Vietnam. You see how fierce, how violent the military activities you are carrying out in South Vietnam. Of course we have to counteract these activities and of late massive introduction of tens of thousands of armaments are introduced into South Vietnam. I think for purpose of negotiation, please, you should take good faith with yourself. If you say this then I will continue to say this too, then it will be endless, the negotiations, and no settlement is possible. But the question is whether you want a settlement or not. So I have been telling you that if you are prepared to make a settlement we are prepared, too. If not, then we are not.

Dr. Kissinger: What exactly is it, then, that the Special Advisor is proposing, since he refused my proposal?

Le Duc Tho: Now I wonder whether you still want to continue the negotiations or not. If you want to stop the negotiations, I will do the

same. If you want further discussion, then I will discuss with you. And if discussions are to be made then we should go into the agreement. We have made great effort and you yourself have acknowledged these efforts. You should respond to our proposals. I do not force you to accept, but it is here a question of reciprocity. We should not have done that reciprocity, because the agreements have been reached. We have shown good will. We have come here. We have responded to your requirements. If you refuse, the statement what we have accepted from your proposal is much more in number. I frankly tell you we will not yield to anyone under pressure. If you want a satisfactory settlement or a solution with good will, we will do that with you. If not, it is up to you.

Dr. Kissinger: Since I will have to send for some instructions, can I ask the Special Advisor one concrete question? What is the number of forces that he was talking about when he was speaking about redeployment?

Le Duc Tho: Now let me pose again the question. Do you respond to our proposal regarding Chapter III and Chapter IV? Then I will given an appropriate response to what you respond to our question. I have told you repeatedly when you show good will we are reasonable people, but on the contrary when you are lacking good will and you continue the negotiations in a way not suitable for negotiations, I frankly tell you I am the most stubborn people. Throughout our negotiations here you should have realized that whenever you show good will I always respond by reasonableness, and sometime my reasonableness surpasses your demands. Now if you respond to our proposal or the requirement I have made, then I shall respond, I shall give you an appropriate response.

Dr. Kissinger: Well, I have told you my preliminary reactions to Chapter IV and I have indicated that we have withdrawn some suggestions.

With respect to our willingness to give up the prisoner clause, this depends on the size of the redeployment. And therefore those two questions are closely linked. But in that case I do not think we should try to settle this issue now.

Le Duc Tho: Now regarding the changes to Chapter IV. It is up to you to settle it now, immediately or at some other time. It is up to you. Now as to the changes. Now the questions, the discussions on the questions you raised here, whether you want to settle it now or to put it to some other time, it is up to you.

Now we maintained the formulation of Chapter IV. I have expressed my views on that. I maintain what I have said, because we have made very great concessions in connection with this Chapter. No further concessions are possible.

Dr. Kissinger: In other words you are just giving us an ultimatum.

Le Duc Tho: These are the things that we can't accept: any changes regarding the three segments of the Council, the different levels of the Council, and the name of the Council. It is not a threat or anything else. This is the latest limit, the final limit we have. If some backstep is made then we can say that nothing is left. That is the reason why we have had such an understanding on the redeployment of a certain number of forces in the northern part of South Vietnam, for the purpose of settling these questions. If no settlement, no solution, is brought to these questions we will never raise the question of forces. You have seen that over the past four years we have never accepted discussions of the North Vietnamese forces. Now, practically speaking, we have accepted the redeployment of a number of forces in the northern part of South Vietnam, with the real desire of settling a number of questions. It is a show of good will from our part.

Dr. Kissinger: But you are putting it in connection with a fundamental change on the prisoner issue. You are not putting it in connection with no further change of Chapter IV.

Le Duc Tho: How I have put the question [is this]: Now I have an understanding with you on two questions. First, the redeployment of the number of forces in the northern part of South Vietnam, and second, on the question of ceasefire in Laos. In order to have your settlement on the question of Chapter III and Chapter IV.

Dr. Kissinger: That is your proposal. That is not an understanding.

Le Duc Tho: This is our proposal. It is a proposal to put forward before you, to see how you want to do it. Which number of troops do you want to be redeployed? When do you want the ceasefire in Laos? You will respond to it by settling this chapter of Chapter IV and Chapter III and then we shall discuss it. But I would like to remind you that Chapter IV has been agreed to between both parties. You should not have any understanding on it.

Dr. Kissinger: Mr. Special Advisor, we can't always say "agreed to" when it serves our purposes and "not agreed to" when it does not. We are here in order to get an agreement. We are not here to score debating points. Chapter III was one of your most important concessions, and you have now withdrawn it. It, itself, was more significant than all the others put together that we have settled here. But we will consider what you have said, and I think the best thing is if we get in touch with you tomorrow whether we should meet with you tomorrow afternoon or Saturday morning.

Le Duc Tho: Now I should remind you that the question of our concern is both Chapter III and Chapter IV. As to Chapter IV I should tell you that we have agreed to Chapter IV. You remember the message

of the President of the United States; it said the agreement was considered to be completed but when we meet here we have accepted some changes to Chapter IV already, so it is more of our good will. You should realize our good will. If you don't respond to our good will it is up to you. Whether peace is restored or the war continues, it is also up to you. It is our utmost effort. It is not a bullet you can fire continuously. It is the last bullet, frankly speaking.

So this is the question I raised to be discussed with you and to settle all the outstanding questions. Otherwise we should not have found out these formulas in that settlement. If there were any other formula to write in the agreement, we would not fail to use it. But we can't find any other formula than saying "the National Council of National Reconciliation and Concord with the three equal segments." I have told Mr. Thach here, Mr. Hien, and my other colleagues to strain their minds to find out a possible formula, but they do not succeed in finding it. Possibly the question of the demilitarized zone has been raised by Ambassador Sullivan, but we have found out no formula for this question. You should realize our effort in making every effort to find out a formula for an agreement. This is only one example. Whether the question of Laos or the question of Cambodia—you propose a draft, we see it and try to come to an agreement. But there are questions in which we can no longer find out any formula. The entity [thing] has come to its limit. That is the reason why I have found a way to come to an understanding with you to settle the problem, because you have been concerned about this method. We are also concerned about this method and made an effort to find out. This is what I have to say. So now you will decide when will we have to meet again.

Dr. Kissinger: Let me say, if the Special Advisor were talking about Chapter IV alone, this is one problem. By raising also Chapter III, it is an entirely new problem.

Le Duc Tho: I have not understood you.

Dr. Kissinger: As the Special Advisor said, first of all with respect to Laos we don't consider that a concession. We consider that common sense. [They laugh.] We don't understand why with good will you should want to continue the war in Laos once the war ends in Vietnam. What is the reason?

Le Duc Tho: This shows that you have not yet understood. This is the problem of another country. We can't force our friends to settle immediately the problem. We have to discuss with them.

Dr. Kissinger: But if we give up paragraph III(c) you can force them?

Le Duc Tho: Let me finish first. And there are things that are agreed to by our friends; on other points they disagree. The Saigon people are in your hands and you have to discuss with them month after month. This is another thing you have sometime to discuss with them.

Dr. Kissinger: But why is it easier to force them if we give up paragraph III(c)? I mean Chapter III(c).

Le Duc Tho: Let me explain to you. These are negotiations. We exchanged views on the matters of negotiation. It is something natural. For example, the question of American prisoners in Laos. If I refuse to discuss with you on that question of American prisoners in Laos, then you will ask why we don't discuss this question with our friends in Laos. I have settled this problem with you because these are questions linked to one another. These are questions to be changed to be understood with one another. Last time you proposed the question of Laos. Now you have been satisfied in connection with the question of Laos. Now you say the question of Laos has nothing to do with the question of Vietnam.

Dr. Kissinger: Now there must have been a misunderstanding. I have never said they have nothing to do with each other.

Le Duc Tho: You say that it does not go with Chapter IV, Chapter III.

Dr. Kissinger: No, I am saying the question of Laos ought to be in both of our interests. Why should we continue to fight in Laos once the war is settled in Vietnam? You say you have to consult your friends, but you say if we change the prisoner issue you will consult your friends a little faster. Therefore it has nothing to do with your friends; it has to do with you.

Le Duc Tho: This is a country allied with us so we have to discuss with them. If we wanted to prolong the war we would not have settled the problem in Laos and Cambodia, and if we wanted the war, we would not have put the question of Laos again this time. It is something evident. But since the question of Laos is interrelated and it is a question of reciprocity, therefore I would like to exchange it with you. Now I have made an understanding with you on two questions and you should respond to us, to this understanding with regard to Chapter III and Chapter IV.

Dr. Kissinger: You are asking in Chapter III a total major change in the agreement, a bigger change than anything we negotiated here this week; and totally changing what will be the negotiations by the parties after the agreement is signed. You insist on being very specific about the political conditions but you refuse to be at all specific about the military conditions. This cannot be good will. I understand your proposal. I will consider it because we have been so close to making peace. But I do not accept your description of it as leading us toward a settlement.

Le Duc Tho: It is up to you. We have done our utmost. We have done our utmost with regard to the agreements. Please now consider whether you will settle the problem and peace will be restored. If no

settlement is brought, then the laws will be developed and the war will continue. It is something objective, and my subjective desire is not to have the war continue.

And it is not correct for you to say that in the agreement there is no stipulation regarding military questions, concrete stipulations regarding military questions. There are many stipulations, concrete stipulations, aimed at preventing the resumption of the war. Moreover there are understandings, and sometimes the understandings are more significant than the agreement and the provisions in it. Sometimes the written document is not so valuable as the understanding.

I told you, but I quote to you about 1968 at the cessation of the bombing of North Vietnam, I would not say any word to Ambassador Harriman about the withdrawal of troops in the northern part of South Vietnam. There was no agreement at all. No private understanding. There was none. But after the cessation of the bombing of North Vietnam, because of our desire for a peaceful settlement, actually really we have redeployed a number of our forces. It was a sign of our good will. But why was no settlement of the war possible at that time? The historical circumstances are known to you. I do not feel it necessary to recall. And so in the agreement there are concrete stipulations, but some understandings are more valuable than a concrete stipulation. In negotiation you have conducted negotiations in many places and you understand this better than I.

Dr. Kissinger: But never with anyone as difficult as the Special Advisor.

Le Duc Tho: The difficulties are objective. We have been fighting for tens of years now. It will be difficult for you to pull out as it is difficult for you to settle the problem. Often it is easier to come in than to get out, as far as you are concerned. We have been fighting for over ten years. It will be difficult for us to settle the war too and it will be difficult for us to guarantee the interest of our people. But I have told you repeatedly that if one is prompted by the desire for a settlement then naturally we will find out the formulas to overcome the difficulties; otherwise no settlement is possible. And settlements should be conformed to reality, and if things go beyond the reality, no settlement is possible. It is the same for us and for you.

Dr. Kissinger: Mr. Special Advisor, I don't believe we can go much further today. We cannot agree to this proposition. We will be in touch with the President and we will consider it. I think you, too, might ask your assistants to apply some more ingenuity. But that is up to you. I don't want to tell you how to conduct your business. We have been very close to a settlement, and now we will see whether we can settle or whether the war continues. We will call you tomorrow and suggest a time either for tomorrow afternoon or for Saturday morning.

Le Duc Tho: It is up to you. You will inform us the times when the meeting will be resumed.

Dr. Kissinger: We will call you tomorrow morning. We will probably propose Saturday.

Le Duc Tho: I remind you of one thing. On October 11, after we reached agreement with you, I told you one sentence: There are the times when we cover 9/10ths of the distance and only 1/10th of the distance cannot be covered. Normally the last leg of the trip is the most difficult. So if you want a settlement then you should make an effort; we will do the same. But without the effort from you particularly, no settlement is possible. Let us break.

Dr. Kissinger: We already have made an effort, but we will make another effort in studying your proposal.

[The meeting then ended.]

30. Memorandum of Conversation¹

Paris, November 24, 1972, 11 a.m.–12:20 p.m.

PARTICIPANTS

Dr. Henry A. Kissinger
Major General Alexander M. Haig, Jr.
Special Advisor Le Duc Tho
Minister Xuan Thuy
Nguyen Dinh Phuong, Interpreter

Dr. Kissinger opened the meeting, which he characterized as an exclusive private session between restricted participants designed to impress upon Special Advisor Le Duc Tho and the North Vietnamese side the fact that the negotiations had reached a most serious point. Both parties had worked together for a long time, in fact for over 100 hours of discussions. Subjectively, it was evident that the U.S. and North Vietnamese negotiators—Dr. Kissinger on the U.S. side, Le Duc Tho and Minister Xuan Thuy on the North Vietnamese side—wished to end the war. But now the talks had reached a serious point.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam Negotiations, Sensitive, Camp David, Vol. XXI, Minutes of Meetings. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at 11 Rue Darthé, Choisy-le-Roi. Tab A is attached but not printed.

For this reason, Dr. Kissinger wished to read a Presidential telegram he had received the night before. It should not, however, be interpreted as an official diplomatic communication, but merely an effort by Dr. Kissinger to convey the mood in Washington today. It was in effect a message to Dr. Kissinger from the President and therefore should not become a part of the official record of the proceedings, since it was directed to Dr. Kissinger and not to the North Vietnamese Government.

Dr. Kissinger read verbatim the text at Tab A.

"The President is very disappointed at the tone as well as the substance of the last meeting with Le Duc Tho. Under the circumstances, unless the other side shows the same willingness to be reasonable that we are showing, I am directing you to discontinue the talks and we shall then have to resume military activity until the other side is ready to negotiate. They must be disabused of the idea they seem to have that we have no other choice but to settle on their terms. You should inform them directly without equivocation that we do have another choice and if they were surprised that the President would take the strong action he did prior to the Moscow Summit and prior to the election, they will find now, with the election behind us, he will take whatever action he considers necessary to protect the United States' interest."

Upon reading the telegram, Dr. Kissinger said he recognized the text was not diplomatically phrased, but he could think of no other device to indicate more clearly that the United States did have another choice. If North Vietnam was surprised at the strong U.S. action taken prior to the Summit and prior to the U.S. domestic election, they would now find that President Nixon would take whatever action he considered U.S. national interests dictated.

Dr. Kissinger had been in further contact with the President and had received his authorization to make one more maximum effort, at a meeting which Dr. Kissinger was proposing be held tomorrow, Saturday, November 25. In the U.S. view, the choice was directly up to the North Vietnamese side.

The Special Advisor should now be aware of the difficulty the U.S. side was facing, Dr. Kissinger continued. North Vietnam had its principles, but the United States also had its own. The U.S. side had given great weight to North Vietnamese principles. For example, it had gone along with the charade that North Vietnamese troops in South Vietnam were really southerners or the sons of southerners. The U.S. had not publicly challenged North Vietnam on this, although everyone knew the real situation. The U.S. principle was that it must take into account the views of its allies. It was true that in October this point was made clear and the U.S. had not had an opportunity to present the draft agreement to its allies or to discuss it with them.

Certainly if the U.S. had wanted to stall for time at that juncture, Dr. Kissinger could have insisted on going to Saigon and then returning to Paris, thus prolonging the sequence of events.

But that was all history. The problem now was to solve the current impasse. The final agreement must provide a document which could demonstrate that some of the South Vietnamese views had been listened to. The current status of the document fell far short of what Saigon had asked for. Nevertheless the U.S. was prepared to make an absolutely maximum effort, including Presidential action and direct intervention publicly, to demonstrate the President's personal support for the agreement and in fact to seek public pressure on Saigon to accept it. But this could be done only if the United States could in good conscience say it had made every effort and that the North Vietnamese side had made an exceptional effort. If this could be said, then the United States would have a moral basis to implement the agreement within foreseeable limits.

On the other hand, if Hanoi pushed the United States beyond these foreseeable limits and deprived it of its principles, then the effort could not be made, nor could the agreement be accepted. All of the recent efforts that had been made would be in vain, and the war would continue with greater violence. Hanoi must not be misled by the journalists with whom they were in contact. The U.S. had always done what it said it would do.

This, therefore, was the dilemma. Tomorrow, the United States would make a maximum effort. Under no circumstances could it agree to a document which was weaker than what had already been published. The Special Advisor had spoken of the difficulty that he had in changing the terms of the agreement, but the Special Advisor must also consider the United States' problem as well, especially the changes which Hanoi sought in Article 8(c). Nevertheless the United States would review again all that the Special Advisor had said at this week's meetings and would make an effort, including concessions to the degree that that was possible. But if the United States was pushed beyond this, then a complete deadlock would result. This view was stated with an open heart.

Special Advisor Le Duc Tho and Dr. Kissinger had been enemies; they had also been colleagues in a common effort, Dr. Kissinger continued. He would prefer nothing more than to visit Hanoi as a culmination of these common efforts. But precisely because the task had been so tedious and the effort so prolonged, Dr. Kissinger had requested this personal meeting to convey the seriousness of the situation. The U.S. was at a point where its cupboards were empty.

Dr. Kissinger therefore proposed a meeting for Noon on Saturday, at which time the final U.S. position would be presented.

Special Advisor Le Duc Tho replied that as the meeting today was held as a special private session, he would speak all of his thoughts in an open-hearted way. Yesterday the Special Advisor had presented his views. His views were expressed as a result of a great effort. The U.S. side also made a great effort. But certainly, the North Vietnamese effort confirmed its new strategy of peace. If this were not so, North Vietnam would not have made its earlier efforts. But what did the United States expect of North Vietnam? How could Hanoi sign an agreement in which there was mention of the withdrawal of North Vietnamese troops? North Vietnam could not do this. Therefore, the Special Advisor had put forward the proposition that it would agree to relocate some of the forces from the northern region of South Vietnam after consultation with the Provisional Revolutionary Government. Thus what greater effort could be made?

President Nixon referred to U.S. honor. North Vietnam had its honor also. In this war the United States sent troops to intervene. Now it was pulling its troops out. North Vietnam was now told it must do so also. How could North Vietnam bear this demand? North Vietnam had tried to put forth a *de facto* formula on this issue. This demonstrated its good will.

Secondly, how could North Vietnam sign an agreement in which thousands of its people remained in jail? If there were no provisions for these people, how could North Vietnam accept? If peace was really achieved these people must be reunited with their families. So the question was how this sentimental question could be accepted. It had been raised repeatedly. Everyone with a conscience knew that this North Vietnamese demand was both fair and reasonable. It was a most difficult question.

Thirdly, with respect to the political question in South Vietnam, here again Hanoi had made a large effort. They had required now only a Council of the two parties, with a third segment which was not pro-Hanoi. If this were not true Saigon need not agree. Moreover, the third segment would be chosen by agreement of the other two through consultation and unanimous decision. Thus the two parties must agree. As to the lower levels of the Council, they also would be agreed upon by the two parties, and even in this instance the organizations at the lower levels had not yet even been discussed by the two parties. Thus this solution could pose no difficulties.

Hanoi had made great concessions on the political side, Le Duc Tho continued. Now only the foregoing three questions remained: could one imagine an agreement which implied the withdrawal of North Vietnamese troops, had no provisions for the release of detained civilians, and dropped the provision for a three-segment government and dropped the provision that Thieu must step down? How could Hanoi sign such an agreement?

This did not mean that Hanoi did not pay attention to U.S. problems. Hanoi had agreed to reduce the number of troops in the northern part of South Vietnam. It had met U.S. concerns about the timing of the ceasefire with respect to the Laos question. This was done at the last meeting. Therefore U.S. concerns were met. Obviously the United States was worried that if the conflict in Laos continued then there would be a means for infiltration into South Vietnam. For this reason North Vietnam had agreed to make the ceasefire earlier in Laos. Now the United States must respond to North Vietnam's difficulty. An agreement that ignored the issues remaining could not be signed by North Vietnam.

It was clear that peace was near. Dr. Kissinger was like the Special Advisor; he recognized that with peace so near we should not now return to war. But what did Dr. Kissinger suggest? If there were an agreement with the implication of the withdrawal of North Vietnam forces, continued civilian incarceration, dropping the three segments, retaining President Thieu, changes in the Council—how could this ever be explained to the North Vietnamese people? Even the world press, in fact even the press in Saigon, confirmed that North Vietnam had made a large effort. The United States had seen Hanoi's strategy of peace. Dr. Kissinger could not overlook the fact that North Vietnam had been in a state of war but the fact that it would receive him in Hanoi was evidence of its peace strategy. However, Dr. Kissinger must understand that North Vietnam had made its last proposal, its greatest effort.

The Special Advisor said he understood that the situation was in fact at a decisive point. He had considered the matter overnight and had concluded that there were only two possibilities—either the restoration of peace or continued war. War would not be by desire or by an unwillingness to reach an agreement. But North Vietnamese good will had its limits. If now these limits were surpassed the war would continue despite Hanoi's wishes. If it was now necessary for Hanoi to make concessions, this would be a camouflaged surrender. The United States had fought North Vietnam for ten years. Dr. Kissinger had negotiated for over four, and he knew that the North Vietnamese people could not surrender. He knew the history of the people of North Vietnam. He should make an effort, and North Vietnam would do the same, in an effort to reach a settlement.

Hanoi desired peace, but if peace was impossible the war would continue. Dr. Kissinger stated that Hanoi was responsible; the fact was the United States would be responsible. North Vietnam never threatened since they were an oppressed people. This was an historic reality. But Hanoi opposed threats and oppression. Dr. Kissinger studied North Vietnamese history and was aware. This discussion was

private, so the Special Advisor could speak frankly. While we were at a decisive point, the Special Advisor must be responsible to his country and his people. He understood well that the losses would be great, but the North Vietnamese people would never accept an agreement which was tantamount to camouflaged surrender. If the negotiations failed, North Vietnam would fight again even though this would be against its will. Dr. Kissinger should consider this view. If Dr. Kissinger made an effort the Special Advisor would do the same. If there was no settlement this was contrary to the North Vietnamese desire.

Thus far, the Special Advisor had expressed all of his views. He had carefully thought over what he had said because of the decisiveness of this juncture. The Special Advisor and Dr. Kissinger had long been acquaintances; they had understood each other. If the war continued the problems would be very difficult. Sometimes the negotiations had been heated. Nevertheless Dr. Kissinger was a close acquaintance. After peace this relationship would become good. This was a practical reality. Dr. Kissinger asked about the remark made by the Special Advisor the day before on what he would do in the future. Certainly after the war they would become friends, the Special Advisor replied. That he was confident of.

Dr. Kissinger then urged the Special Advisor to consider the following points overnight. North Vietnam asked how there could be peace with North Vietnamese people in jail in the south? Dr. Kissinger had always sympathized with that question, but the Special Advisor should imagine the United States problem of telling its allies that Saigon should make peace, leaving 200 thousand hostile troops in its territory. This was the reason why redeployment was useful and helpful. On Article 8(c) it was clear that Hanoi had been prepared to accept this once, despite the difficulties. Now it was impossible for the United States to emerge from this round with the paragraph on this issue which was less of a concession. This showed a change in Hanoi's good will. If Dr. Kissinger were to agree to this, the President would reject it, and if the President agreed, then Saigon would reject it, and there would be no basis for an agreement. The U.S. side would consider the political question carefully. If, however, the largest part of the North Vietnamese troops were withdrawn, the question of the political prisoners would be solved. Then there would be no moral basis for holding them.

Special Advisor Le Duc Tho confirmed that Hanoi had agreed to their continued retention on the basis of an October 31 signing of the agreement. Hanoi recognized that the United States would have difficulty in accepting a change in this position. That is why it had agreed to the relocation of forces in the northern part of South Vietnam. This issue had been taken into account. Dr. Kissinger replied that unless

this figure were very large it could not help. Le Duc Tho asked how large it should be—total withdrawal? Dr. Kissinger said that if it were in the neighborhood of one hundred thousand, then he thought one could solve the political prisoner issue.

Le Duc Tho said this amounted to wishful thinking and was hardly different from demanding total withdrawal. Dr. Kissinger denied this. He emphasized that the point he was making involved the fact that the North Vietnamese position on Article 8(c) now posed an unmanageable problem in the United States. The Special Advisor should understand that if the war continued, this was the reason. Nevertheless the U.S. would carefully review the Special Advisor's statements. The Special Advisor had told us what he could not change. He stated what he could not do. Each of the Articles would be reviewed and North Vietnamese views and principles will be kept in mind. Then an assessment would be made. The North Vietnamese views were clear.

Le Duc Tho said that all the North Vietnamese views had been expressed, but it was now clear that President Nixon's message, although addressed to Dr. Kissinger, must be considered as a threat. As had been made clear, threats could have no effect. North Vietnam had fought for ten years and negotiated for many years. Therefore, both sides should have a correct attitude. There could be no threats. North Vietnam would not allow others to threaten it. If threats were received North Vietnam would oppose. So in the negotiations, threats should cease. If the negotiations were prompted by good will there was no need for threats. North Vietnamese views had been expressed completely. All available positions had been put forward. The meeting would occur tomorrow and another effort would be made. The United States should do the same. If this was so, a good settlement would be found.

Dr. Kissinger reaffirmed that the United States would make the utmost effort, keeping in mind the principles involved.

The meeting adjourned at 12:20.

31. Memorandum of Conversation¹

Paris, November 25, 1972, 10:10 a.m.–12:10 p.m.

PARTICIPANTS

DRV

Special Adviser Le Duc Tho

Minister Xuan Thuy

Nguyen Dinh Phuong (Interpreter)

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 858, For the President's Files (Winston Lord)—China Trip/Vietnam Negotiations, Sensitive, Camp David, Vol. XXI, Minutes of Meetings. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at 11 Rue Darthé, Choisy-le-Roi.

The meeting this day made no progress. The sides remained far apart on the few remaining issues separating them. In fact, as Kissinger told Nixon, he had purposely set up the meeting as a private one, between Le Duc Tho and Xuan Thuy and himself and Haig, rather than a formal delegation-to-delegation negotiating session. During the meeting, as Kissinger informed Nixon: "I pressed home to him [Tho] that if we were to hold a regular business session today it was apparent from my discussions with him yesterday that we would have quickly reached an impasse. The result would be a breakdown in negotiations and a resumption of military activity, this time on a scale not heretofore contemplated." Kissinger proposed a week's delay in which each side would study the other's positions and he would carry out necessary personal consultations in Washington, pushing the next meeting to December 4. Le Duc Tho, despite wanting an agreement then, reluctantly agreed to the delay. (*Foreign Relations*, 1969–1976, vol. IX, Vietnam, October 1972–January 1973, Document 126)

During this round of negotiations after his return from Saigon, Kissinger met nightly with the South Vietnamese Ambassadors to the United States and United Kingdom and the head of the South Vietnamese delegation to the plenary talks to brief them on his meeting earlier in the day with Le Duc Tho. In his memoir, Kissinger recalled: "Their instructions [from South Vietnamese President Thieu] were simple. They were authorized to accept Hanoi's surrender on all the sixty-nine changes proposed by the inventive Nha [Hoang Duc Nha, confidant and close adviser to Thieu]. They had no authority to consider less or to discuss any compromise or to entertain any alternative language." (Kissinger, *White House Years*, p. 1418) The key issue for the South Vietnamese was the presence of North Vietnamese troops. And because the South Vietnamese demanded the withdrawal of these troops before Thieu would sign a settlement, and because the North Vietnamese refused to consider this demand, or even to admit that North Vietnamese troops were in the South, Kissinger, as Nixon's representative, found himself in an almost impossible position.

Kissinger, Haig, and Ambassador William Sullivan, a new and senior member of the U.S. negotiating team, met with the South Vietnamese diplomats on the evening of November 25. Kissinger read to them a message from President Nixon in which Nixon said that the October 8 agreement, with improvements added since, was the best the United States and South Vietnam would get and that if South Vietnam wished U.S. support in the future in the event North Vietnam violated the agreement, the South Vietnamese had to accept the less than perfect agreement. There was no chance at all, given the diminishing support in the U.S. Congress for the war, that he could continue the war; if South Vietnam wished to continue, it was on its own. After discussing the message with the South Vietnamese diplomats, joined at the meeting by Thieu's special assistant from Saigon, Nguyen Phu Duc, Kissinger told the South Vietnamese they had to accept the cease-fire and the agreement he had negotiated, assuming he could get the North Vietnamese back to this point. "Your choice," he said, "is to join with us or

(Footnote continues on next page)

U.S.

Dr. Henry A. Kissinger

General Alexander M. Haig, Jr.

David A. Engel (Interpreter)

Dr. Kissinger: Before going on to other business, Mr. Special Adviser, I wonder if you could explain to me why a member of your delegation gave a background briefing to the press revealing the contents of our conversations?

Le Duc Tho: That is not true. There was no one who did that. I was surprised at the article myself.

Dr. Kissinger: Do you think it is in our interest to reveal exactly what went on in each meeting; to even say that you pounded the table and gave us an ultimatum? Do you think that we would put out everything about your proposals and nothing of ours?

Le Duc Tho: I am very surprised to hear you say this. I can tell you seriously, on my honor, that I have never done such things.

Dr. Kissinger: I said your side, not you.

Le Duc Tho: On my honor, that is completely untrue. You should know that when I speak of honor, I respect it. You can be confident that I would never do that. I am surprised. In fact, I had it marked down in my notes to ask you about it. I would never do this. If “our side” had done this, this would mean me, myself. I have been negotiating with you for four years now and have never done that. You can see that I am serious.

Dr. Kissinger: I have always respected the Special Adviser. But who has a motive to do this? First of all, we know it was a member of the North Vietnamese group. The journalist himself told us this. I am beginning to fear that this question is in the same category as the so-called question of so-called troops. Who has the motive to do this?

destroy yourselves. These are facts.” Ambassador Sullivan added: “If you had driven out the North Vietnamese you would, of course, be in a different position in a ceasefire.” (*Foreign Relations*, 1969–1976, vol. IX, Vietnam, October 1972–January 1973, Document 125)

Kissinger reported to Nixon that the meeting had one good result: these senior South Vietnamese “are now seized with the realities of the situation.” However, he continued, “I seriously doubt that President Thieu himself has yet grasped the problem accurately.” (*Ibid.*, Document 126)

The North Vietnamese understood well that the South Vietnamese were making it difficult for the United States to achieve a settlement and that this offered an opportunity for them. Le Duc Tho and Xuan Thuy, reporting on their November 25 meeting with Kissinger and Haig, informed the Politburo: “The U.S. is having problems with its puppets. We need to watch this and exploit this contradiction [conflict].” (Message from Le Duc Tho and Xuan Thuy to the Politburo, 25 November 1972, in Doan Duc, et al., compilers, *Major Events: The Diplomatic Struggle and International Activities during the Resistance War Against the Americans to Save the Nation, 1954–1975*, volume 4, p. 351)

Not the South Vietnamese, who are made to look ridiculous by this article. There are only two groups. Your allies or yourselves.

Le Duc Tho: I tell you this. If you know who on our side has done this, tell me. I will ask him why he did it and I will reprimand him very severely, but I am confident that no one on our side did it. We never do such things. We have no interest in doing them while we are negotiating with you. It would only be to our disadvantage.

Dr. Kissinger: You could pretend it was a great victory, but in fact it caused a loss of confidence in you so it was a big mistake.

Le Duc Tho: I told you but you have not believed me. I said on my honor, and seriously. I am a revolutionary. I respect my honor. If I had done it, I would tell you frankly. I am not afraid. If I know that someone on our side had done it, I would reprimand him severely. But I said that we would not do it. In negotiating with you I always want to create mutual comprehension and confidence. You have realized this in the course of our negotiations. I ask you, in our negotiations have I ever done anything at variance with my promises? Never. We are still negotiating and we will sign an agreement. We will have long-term relations after the signing. What motive would I have to do such a thing?

Dr. Kissinger: If these tactics continue there will be no agreement. This is what I wanted to discuss with you.

Le Duc Tho: I would not do this. I think it was your side and you want to put the blame on me, but you have no evidence. We are negotiating with you. What would be our purpose?

Dr. Kissinger: Now let us move to substance.

Le Duc Tho: Let me say that we have been negotiating a long time. If we want to negotiate, we should do this seriously and both sides should make an effort to arrive at a settlement. You have threatened me that if this continues there will be no agreement. We should be serious. In negotiations no side should threaten. We should discuss the substance of the matter and both make an effort.

Dr. Kissinger: Now let me give you an analysis of where we stand. This is why we asked for a private meeting. I want to analyze our objective situation this week. I told you in the garden what our necessities were. I explained that we wanted to bring about some changes to satisfy the President's sense of moral obligation. I told you that if the President's sense of moral obligation is met we would make a maximum effort to bring about the most rapid implementation of the agreement. I said it yesterday and repeat on behalf of the President today, that once an agreement is reached between us which the President considers satisfactory, and should it be refused by any of the other parties, the President would make a public statement defending the

agreement and criticizing whoever was opposing the agreement. But before he could take that grave step we must be able to prove to ourselves that we have done the best possible. Secondly, we must make every reasonable effort to convince our allies that what we have done should be accepted.

These are the objective results this week as I see them. Some marginal improvements have been brought about, but this was followed by an ultimatum on Thursday which poses very grave problems for us and even graver problems for our allies. In this sense, the tendency of the article was perfectly correct. We know each other. We have told each other many things—some difficult, some not difficult. We sincerely want a rapid peace. We are willing to run serious risks for this peace. The President and I have already run great personal risks to bring about peace, but you continue to misrepresent this as trickery. But there are objective limits for both of us and we are very close to those limits. I told you earlier this week we do not want to repeat October. Next time you and I shake hands on an agreement we must be confident that we can carry through the schedule we establish. We don't believe these conditions exist today. We can't make the decisions you are asking. If we meet in formal session the danger of a breakup would be too great. Therefore I would like to propose that we postpone today's session one week, to give me an opportunity to consult personally with the President so he can carry through with the steps which have to be taken. During that week we will also conduct conversations with Special Adviser Duc which we told you we would conduct after the agreement is concluded, but we will do this before the next session so we can save some time afterward. This would be a delay of 5 working days for me; 6 days for you since I need one day of travel. It will give us the opportunity to be certain that when we meet for the final session we will have done everything on both sides to create the preconditions for agreement. Then if we fail, it will not be because one side would be imposing its views on the other side, but because objective reality does not permit a solution.

So now we have a very important decision to make. We can dedicate ourselves to one more effort in a serious search for peace, maintaining strict silence on both sides and without any pressure on either side, or we can recognize that we have not succeeded. I strongly urge we follow the first course. I would like to hear the Special Adviser's views. You have to understand that when we meet, what I said yesterday concerning conditions will apply. This is also the maximum we could even discuss. As I said, we will make an effort and you should too. Our discussions will be in the framework of yesterday's conversation.

Le Duc Tho: We have been talking for the last few days. You said that the President has moral obligations. We, too, have moral

obligations. Throughout our negotiations in these days I have talked to you at length on this. In reviewing these days of negotiations you should correctly evaluate the efforts we have made, including our proposals on Thursday. My proposal on Thursday opened the way to a settlement. You said I made an ultimatum to you but it is not a threatening ultimatum. I said many times that I don't threaten anyone but I will not let anyone threaten me. In our proposal we have maintained the questions of principle. We have made the greatest efforts in connection with these, but we have come to our limits and we cannot retreat. I have expressed all these views to you. We are still making efforts to move to a peaceful settlement of the Vietnam problem. If I were not trying to do this, I would never have made such a proposal. In recent days of negotiation there were points on which the two parties agreed. You proposed some changes which we met, but you have not responded to our proposals and yet we are proposing nothing much new. Therefore, we have made the utmost effort. Whether there is a peaceful settlement or not depends on you. If you want further discussions with us, I agree. But if you want to stop for a while, I agree too. If we temporarily stop the meetings and meet again, tell us when you want to meet so we can arrange a schedule. In negotiations, both sides should make serious efforts. If you want to postpone for a few days, in the interval think it over and make great efforts. If so, we will also make great efforts. Both sides should find formulas to preserve principles, so as to bring about a good solution. This is the meaning of negotiations. But I do not understand whether your proposal to temporarily discontinue the negotiations stems from the article or from a desire to consult with your allies. If it is the article, we have not leaked anything. From our experience whenever there is a leak it is from your side.

Dr. Kissinger: You are good students. You have learned your lessons well.

Le Duc Tho: We never learn mistakes from others, just good things. If you must consult with your allies for a few days and return to talk with us, I agree. It is up to you. When we resume our meetings you and we must make efforts to find a solution. If we can't it is the responsibility of your side. When we resume our meetings, because we are so close to peace, both sides should make great efforts. We have made the greatest effort possible. As I told you yesterday, we have a great desire for peace but we have to envisage all the possibilities. We don't know whether a settlement is possible or not because from past experience over the four years of negotiations we have realized that our negotiations have been very difficult because of President Nixon's policy. He was not yet ready for a settlement.

Dr. Kissinger: Neither were you. You were still counting on sending your tanks to An Loc using the Ho Chi Minh Trail.

Le Duc Tho: If we continue to talk this way it will take us days. We want peace but we do not know whether President Nixon is also prepared to go to peace. We have realized many difficulties in negotiations. We want a peaceful settlement, but if President Nixon does not want it then there will be no settlement and the war will continue. We have to be prepared for all eventualities. This is very objective. There is no other way. As I told you, if a settlement is to be found we should understand each other. Requirements should have some limits. If these limits are depassed then there will be a breakup. You should understand me and we will understand you about this too. Yesterday I made a comparison to a glass of water. We understand. We never go beyond the limits which we think are acceptable, but you also have to understand us like that in order to attain a settlement. To this date you have seen how we have proposed reasonable and logical solutions, but there are always limits. If the limits are depassed, whether we want it or not, we will not be able to settle. Yesterday I spoke to you lengthily on the subject. Now it is up to you.

You want to postpone and we agree. You fix a date.

Now let me add one thing. We are negotiating to come to a settlement. On the battlefield, as well as the negotiating table, you should not threaten and pressure us. This will not lead to a settlement. But if you show good will, we are very reasonable people to settle. I think once we reach agreement you will also come to that conclusion. I tell you this frankly and straight-forwardly. In negotiations we should be frank with each other and create a propitious atmosphere for the talks. We must have mutual comprehension to make a settlement possible.

Dr. Kissinger: Mr. Special Adviser, let me make a few observations. In our early meetings you always emphasized the importance of correctly analyzing the situation. In this respect your analysis of the President is very important. You have difficulties regarding this because very few people know him. The people you usually talk to don't know him at all, and journalists do not understand him, and so you are often misled. You should understand him. He has many attributes like yourselves. When he thinks he is being threatened or pressured, he reacts very violently, just like you do.

Le Duc Tho: Last night I said we never threaten or pressure you. Why did I say that? We have been an oppressed people. Only others come to threaten and pressure us. We are never afraid of threats, not afraid of pressure. We oppose pressure and threats. We never threaten or pressure anyone else. We have never said anything to threaten you. That is a fact. In negotiations, who has pressured and threatened whom? Everything has been put forward by you, not us. We only put forward the question of civilian detainees but we understand your difficulties. That is the reason we suggested steps to settle the question. So have

you ever seen anyone put forward more reasonable and logical solutions? When any war is ended both sides should release their captives.

Dr. Kissinger: But both sides should also withdraw their troops.

Le Duc Tho: But this does not conform to morality because you have introduced one half a million troops. You have a moral obligation to withdraw.

Dr. Kissinger: I do not want to reopen that issue, but I would like to answer a question which the Special Adviser asked me as to whether President Nixon wants peace. I am President Nixon's closest associate in foreign policy. Every day I meet him for many hours. I can assure you that he wants to make peace. He is making great efforts for peace. He is prepared to make great efforts for peace. But if the result of the negotiations is an agreement worse than the one we started with, if we don't show some improvement in areas in which he has expressed concern, we can't make peace. That is an objective reality. But I agree with the Special Adviser. We should both think about the issues. We shall make great efforts. We shall come to the next meeting with a serious, fixed determination to settle matters then. We are now at the point where we know that in one more session we only have three issues left, as the Special Adviser has said. There is not that much to talk about. We will settle or we will not. I believe we can settle. We will take your principles seriously. You should do the same regarding ours. We will look for sentences to put in or keep in the agreement taking into account your concerns. You know what haunts us. You have found a reasonable solution to the problem of the Ho Chi Minh Trail. We can find a reasonable solution for other problems. We will come with good will and an expectation to settle. This is the reason for the postponement: to permit both sides to come to the best possible solution, and this will permit me to consult personally with President Nixon and for President Nixon to personally consult our allies. The only significance of the article is that we should agree in the interval not to pressure each other through the press, and we should maintain good will toward each other.

Le Duc Tho: I agree with you. We will postpone the meeting for a few days for you to consider our views.

Dr. Kissinger: You should consider our views too.

Le Duc Tho: I understand your views. But I should say that in our views there are things that we cannot go further. You should give special attention to this.

Dr. Kissinger: I understand.

Le Duc Tho: In the interval we will not pressure you, but actually you are making pressure on us.

Dr. Kissinger: How?

Le Duc Tho: From past experience we know. So when you raise the question of making pressure it is your responsibility. When you do not abide by our agreement not to make pressure, you have no reason to complain about our actions because we will never yield to pressure or threats. We obey only reason and truth.

Dr. Kissinger: I propose, Mr. Special Adviser, that we meet December 4, a week from Monday, at 10:30 in the morning.

Le Duc Tho: I agree.

Dr. Kissinger: I propose that in order to prevent speculation we announce this: that both sides have agreed to meet again on December 4.

Le Duc Tho: I agree.

Dr. Kissinger: We will say that we have made progress this week and both sides will study the remaining issues in order to bring about a solution at our next meeting. Nothing else.

Le Duc Tho: I propose that we will announce only that we will meet again next time, because of our past experience. Last time you announced to the press that we would meet one more time to come to an agreement and if we say this time that we will come to a solution, we will have the same experience.

Dr. Kissinger: I agree.

Le Duc Tho: So we will say only one sentence that we will meet next time. If we reach agreement next time, we will announce it then.

Dr. Kissinger: Right. I have just one suggestion. We will not say that this will be the last session but there will be great speculation on what happened this week and therefore it would be better, since it will be unavoidable to say something, not in an announcement, but as press guidance, to say that some progress was made but that some issues are still unsettled. Incidentally, we will not reopen any issues that we have settled this week.

Le Duc Tho: Because if you raise these issues again the war will continue. We have agreed to things. If we discuss again, the negotiations will last four more years. As for us, if anyone asks us we will just say no comment, just that we agreed to meet again. You should do the same thing.

Dr. Kissinger: I agree. But no more stories like this. Let me make another suggestion.

Le Duc Tho: You did it but you are complaining about it.

Dr. Kissinger: Just a minute. We know you did it. If something happens like this again we must react strongly.

Le Duc Tho: We did not do it. Once we promise we will not do something, we should keep our promises.

Dr. Kissinger: We have done nothing. I have one other suggestion. In order to save some time, I suggest the experts begin work on the protocols in order to expedite the signing.

Le Duc Tho: The important thing for us is to arrive at an agreement. On the basis of the agreement we can discuss the protocols. Since we have not yet completed the agreement there is no basis to discuss them.

Dr. Kissinger: But the protocols set up the procedures for the International Commission. It is up to you, but you understand we want everything to be signed together. We just thought that this would speed matters up.

Le Duc Tho: We don't want to delay ending the war, but our view is we should complete the agreement and then discuss the protocols on the basis of the agreement. That was also your view.

Dr. Kissinger: My view now is that we should discuss the protocols, but if you are not yet ready to do this it is up to you. But this will delay the signing.

Le Duc Tho: We do not want to delay the signing. Once agreement is reached, the experts will discuss the protocols immediately.

Dr. Kissinger: The Minister has not had too much to do recently. We do not want him to get lazy. He will just meet Flora Lewis to practice his speciality of making complicated and ambiguous statements. There is a plenary session scheduled for Avenue Kleber this Thursday. I propose that both sides make calm statements. We will instruct Ambassador Porter in this sense so as to contribute to the atmosphere.

Xuan Thuy: If Ambassador Porter is calm, we will be calm, we will be calm ourselves. I thank you for your concern about my not having anything to do but in fact I have a great deal to do.

Le Duc Tho: You have suggested that this week both sides not reveal anything, but if you propose it you should honor it. Many times you have not. If you do not honor it, there is no reason for us to honor it either.

Dr. Kissinger: We will reveal nothing. We will warn the press not to speculate in any direction. We will not say anything, and you also must scrupulously observe this.

Xuan Thuy: The United States press has been saying many things about the International Commission, its organization, numbers, etc.

Dr. Kissinger: Let me add one thing. We have some experts in the State Department not under my direct control. For the first time in my negotiations they have something to do. They are beside themselves with pride. Therefore, in that one area there has been some difficulty enforcing discipline. It is unfair because proper credit should be given to the Special Adviser for his role in drafting the chapter. But we will enforce discipline and we will also use our maximum influence with our allies to keep them from press comment.

Xuan Thuy: There are daily comments from Saigon.

Dr. Kissinger: If I could control Saigon they would not be attacking me personally. Recently Radio Hanoi has been kinder to me than Radio Saigon.

Le Duc Tho: Radio Hanoi has never attacked you personally.

Dr. Kissinger: It did so, once. But we will do our best. So we will meet December 4th at 10:30. Incidentally, where should we meet? At Gif or at Avenue Kleber? There is no sense going all the way out there when everyone knows we are meeting anyway.

Le Duc Tho: We will consider it but if we meet at Kleber and if we don't come to a settlement there will be much speculation.

Dr. Kissinger: Why would there be more speculation if we meet at Kleber than at Gif?

Le Duc Tho: It is more official. Gif is only semi-official.

Dr. Kissinger: I think when the Special Adviser and I meet it is already very official.

Now I understand Kleber has a smaller conference room. Or the other possibility is that one day we meet at a place you suggest and the other day we meet at a place we suggest.

Le Duc Tho: We will consider it.

Dr. Kissinger: Let Colonel Guay know. I want you also to know this. There are many people who want to get the Nobel Prize for Peace. Yesterday I paid a courtesy call on Foreign Minister Schumann. He thinks he has great influence with you. I spoke to him only in a very general way, like the Minister with Flora Lewis. I did not speak as specifically as your spokesman did to the *Herald Tribune*. Therefore if he uses his influence with you he's on his own. We don't recognize him as an intermediary.

Xuan Thuy: Yesterday the French Radio said that you met Schumann and the French would keep secret all the details of the interview.

Dr. Kissinger: That would be very easy.

Le Duc Tho: You are very resourceful. After we reach an agreement I will make my observations about you. It is something I owe you.

Dr. Kissinger: You are trying to bring pressure on me again. What date should we tell the press we will meet next time?

Le Duc Tho: That is up to you. You will be asked when you leave.

Dr. Kissinger: How about 11 o'clock Washington time today? That is 5 p.m. Paris time.

Le Duc Tho: I agree.

Dr. Kissinger: We will just announce that we have completed our discussions for now and that we will meet again on December 4.

Le Duc Tho: I propose we just say we will meet again on December 4.

Dr. Kissinger: All right. I agree. If I am asked about the article as I certainly will be, I will dismiss it as speculation and warn the press on speculating in any direction. We will recall that we have mutually agreed to reveal nothing.

Le Duc Tho: All right, but I will closely follow your statements after you leave here.

Dr. Kissinger: I will say nothing. I will give no interviews or make any statements of any kind. So we will meet again on December 4. Both sides will make great efforts.

Le Duc Tho: I agree.

Dr. Kissinger: And we will both use our influence with our allies to restrain their natural southern exuberance.

Le Duc Tho: But they are completely in your hands.

Dr. Kissinger: I wish you could attend our evening meetings.

Le Duc Tho: But Saigon troops are paid and their equipment supplied by you. All the money for economic construction and their finances come from you. You can decide.

Dr. Kissinger: We cannot, as recent events have proved. But once agreement has been reached we will make a big effort. So both of us should use this week to think over our proposals very seriously and try to preserve the best possible atmosphere. We will instruct Ambassador Porter to observe a more generous line with the Minister.

Le Duc Tho: I remind you that in the interval before our next meeting you should also reduce your air activities south of the 20th parallel, where you are attacking very ferociously now, so as to create a propitious atmosphere.

Dr. Kissinger: I will look into it. So we will meet December 4 at a place to be decided.

Le Duc Tho: We will let you know before you leave Washington.

Dr. Kissinger: I will leave Washington December 3rd. And you should not look so glum when you leave the house today or there will be many articles like the ones we have seen.

Le Duc Tho: When you proposed the schedule the other day, we did not believe it. We have had much experience and we will not be deceived by your schedule again.

Dr. Kissinger: There is a time to be distrustful and a time for confidence. I am not trying to deceive you and it is unacceptable to me for you to accuse me of deceiving you. This is a difficult problem. We will move as fast as we possibly can but it is not enough just to end the war. We must make peace between us. I told you that we can

agree on many schedules but if there are not the conditions for fulfilling it there will always be failures.

Le Duc Tho: This is what I want to say. Next time you propose a schedule you should keep it.

Dr. Kissinger: Right. Therefore if we come to an agreement next time we will be certain that when we make the schedule we will keep it. This is the advantage of the postponement. I want to say one other thing. Both sides are preparing for two possibilities because both must be ready for either peace or war. But we should not create needless animosity and distrust in what we hope is the final phase of the war. The most important result of the ending of the war should be the improvement of relations between our two peoples. While we should be prepared for each contingency, we should keep in mind that we are so close to agreement that we should have a new attitude in our relationship and create no unnecessary hostility between us. Therefore we should not attack each other's motives either publicly or privately.

Le Duc Tho: I have one more sentence. You speak about creating confidence to reach a peaceful settlement. That is right but that depends on you. You must make great efforts.

Dr. Kissinger: On both sides.

Le Duc Tho: Mainly on you.

Dr. Kissinger: On both sides equally.

Le Duc Tho: We maintain our view.

Dr. Kissinger: One more thing. To show how serious we are, on Chapter 6 we want to give you our idea of a protocol on the Four-Party Joint Military Commission for you to study in the interval for when the experts meet again. It is a sign of our good will.

Le Duc Tho: Have you any other protocols?

Dr. Kissinger: I think you have all of our protocols. There is a protocol for the Two-Party Joint Military Commission but this does not affect us, just the two South Vietnamese parties. If you want to come to meet in the United States on December 4 we can meet in Arizona. It is warm and dry. It would be good for the Minister's chest.

32. Memorandum of Conversation¹

Paris, December 4, 1972, 10:30 a.m.–1 p.m.

PARTICIPANTS

DRV

Special Adviser Le Duc Tho

Minister Xuan Thuy

Mr. Nguyen Dinh Phuong (Interpreter)

U.S.

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs

General Alexander M. Haig, Jr., Deputy Assistant to the President for National Security Affairs

Mr. David A. Engel (Interpreter)

Dr. Kissinger: I sense that the Special Adviser's flare for publicity is even greater than mine.

Le Duc Tho: Yours is stronger.

Dr. Kissinger: You learn very fast.

Le Duc Tho: Let's begin our work.

Dr. Kissinger: I see nobody but Vietnamese these days.

Le Duc Tho: Today I want to ask you what is the relationship between this restricted meeting and this afternoon's meeting? How do we settle the problem here and how do we settle in the other place? In any case we are talking together here as well as there. Today we meet here and in the other place but afterwards I propose that we meet in only one place. If we have to exchange private views then we can take a little break at the full meeting.

Dr. Kissinger: Right. That is a good idea.

Le Duc Tho: Because it might happen that whatever we say or you say we would just have to repeat it at the other place. That is why I make my proposal.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 865, For the President's Files (Winston Lord)—China Trip/Vietnam Negotiations, Camp David Memcons, December 1972 [3 of 3]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at 11 Rue Darthé, Choisy-le-Roi. All brackets are in the original.

Shortly before this new round of meetings in Paris, Kissinger, according to Haldeman, "seemed to be in better spirits today and ready to go on a positive basis on his new negotiating round. He is concerned because he will have to convince the North Vietnamese that if we don't get an agreement we're going to stay in [South Vietnam], and he has to convince the South Vietnamese that if we don't get an agreement we're going to get out, so it's a little touchy to play both sides against the center, but I think that he and Haig both feel that they are going to get the deal and wrap it up on this trip." (*Haldeman Diaries: Multimedia Edition*, December 2, 1972)

Dr. Kissinger: I agree with the Special Adviser. I thought last time when we met when it looked as if we couldn't make progress it was important that we exchange views privately without too many of our advisers. I thought that because these meetings are so decisive it would be helpful to have a private exchange of views between the Special Adviser and me. After this we will proceed according to the Special Adviser's proposal. I hope and feel confident that it will not be necessary to have any more private meetings. If there are any points we need to exchange, we can do it during the break.

Le Duc Tho: Before you speak let me do so. Today I wish to speak frankly and straightforwardly. I owe you a reply to your last message which I said I would answer today. I have clearly explained our views. I would also like to make a few remarks on our last round of meetings so we can draw experience from these meetings to make our meetings here fruitful. Originally you said you needed to meet one more time to finish the settlement and that there would be no more changes regarding principles or substance. In reality your promise didn't come true. This time you also said you wish to meet one final time. We agreed to meet you to see how the settlement will be.

Dr. Kissinger: I thought for awhile that the Special Adviser would not begin by taking the offensive right away, but I see he believes in attack.

Le Duc Tho: I only speak the truth. During our last round of negotiations we maintained our principles but we also responded to some of your proposals and made some concrete changes and among them there were some fairly important points. At the same time at our fourth meeting we made a new proposal to open the road toward a settlement.

Dr. Kissinger: When you pounded the table, according to the newspapers. But I always tell people that you have never behaved toward me in anything but a courteous manner.

Le Duc Tho: You are right but in the course of debate there are sometimes hot discussions. This is an objective fact because the war is still going on and in our negotiations we cannot help such moments, but our behavior toward you has always been courteous and correct.

Dr. Kissinger: That is true.

Le Duc Tho: In reviewing the last six days of meetings, we have realized that you have not responded to any of our proposals. We believe that way of negotiating is neither fair nor reasonable. After we presented our proposal on the fourth day, you did not discuss it but you interrupted the negotiations. When we met here again, you made statements amounting to threats. You said that if we did not respond to your necessities you would step up your attacks on us. Then you

sent us two messages in which you said that if no settlement was reached the consequences would be unforeseeable. In fact, over the past ten years of war we have known all the atrocities of war, and especially under the Nixon Administration these atrocities have been tremendous. We foresee that if the war is not settled the war will be very ferocious. Maybe you would even use massive B-52 bombing raids perhaps even to level Hanoi and Haiphong. We also sometimes think that you would also use atomic weapons because during the resistance against the French, Vice President Nixon proposed the use of atomic weapons. But we can see that if we do not achieve true independence and freedom no matter what destruction is brought to our country we will continue the struggle. If we do not achieve the goal in our lifetime, our children will continue the struggle. You said that President Nixon is determined. We know that. We understand President Nixon's determination to seize and destroy our country. We correctly understand. But the U.S. is a great country with very strong military potential. The President has the authority to order all branches of the service to use bombs and shells to destroy our country. In those conditions President Nixon's determination is not difficult and is something normal. But imagine that our country is a small one. Our population is not great and our weapons and material resources are far behind yours. We have been subjected to tens of millions of bombs and shells. The equal of 500 and 600 atomic bombs. But we have not been frightened by that and have opposed it. You can imagine how high our determination has been to enable us to do this. Speaking figuratively the determination of our Vietnamese people is even higher than the rockets which you send into space. That is a fact. Why do we have such determination? The simple truth is that we will not submit and reconcile ourselves to being slaves. So your threats and broken promises we say that is not a really serious way to carry on negotiations.

In the last six days of negotiations, through your proposals at the negotiating table and your actions on the battlefield, we see your intention clearly. Before militarily withdrawing you seek to strengthen the puppet administration in South Vietnam. Thus on one hand you have tremendously increased arms and means of war in South Vietnam and have sent civilian personnel to serve in the military branches in South Vietnam. At the negotiating table you have demanded the withdrawal of the so-called North Vietnamese army from South Vietnam. You have refused to withdraw civilian personnel serving in the military branches in South Vietnam. You are unwilling to release civilian personnel detained in South Vietnam. You want to eliminate the PRG in the text of the agreement. You want to change the organization of the National Council of National Reconciliation and Concord and deprive it of any role. You want to delay the establishment of this

Council indefinitely. Your proposals and actions are aimed at strengthening the puppet administration in South Vietnam and weaken the forces of the PRG so as to make the Saigon administration strong enough to annihilate the revolutionary forces in South Vietnam and in so doing implement the policy of Vietnamization. So we can never accept your demand to change the text of the agreement. If you want to negotiate and settle the problem, you must respond to our proposals. These requirements of ours are very logical and reasonable and both sides have already agreed to them. We cannot go beyond these limits.

On the other hand as I have repeatedly told you, and again in our message of November 30, you should not resort to your habitual negotiating maneuvers because we are too familiar with them. These negotiating maneuvers will bring no results for you but they will just impede the negotiations. Now we have arrived at a very decisive point in the negotiations. We can arrive at a peaceful settlement of the problem or we can continue the war. That depends entirely on you. If you are determined to end the war and to bring peace as you say you should negotiate really seriously and show good will, and your words should match your deeds. As far as we are concerned you have realized that during the last round of negotiations we made great efforts and showed good will. Once more we are making a final effort to arrive at a settlement on the basis previously agreed by both sides. The situation is ripe to reestablish peace in Vietnam; it is time to end the long-standing era of hostility between us and to begin a new period of relationships. Thus you should make great efforts and we will make an effort, too. Both sides will go in that direction.

Dr. Kissinger: We will make great efforts but you will just make efforts?

Le Duc Tho: We have made great efforts already and now it is your turn. If we make a just evaluation that is a fact. We didn't say you never made efforts but we made a great effort. In my view that is a fair and frank evaluation. So in this negotiation we should negotiate really seriously with good will realistically and objectively to achieve a correct settlement beneficial to the people of Vietnam, the United States and the world. That is my very frank view aimed at avoiding past events, in order to continue the negotiations to a successful conclusion. I have finished.

Dr. Kissinger: Let me make a few general observations, Mr. Special Adviser, so that we understand each other. The Special Adviser has raised various alleged U.S. objectives about seizing Vietnam, destroying it and other characterizations. We have been discussing historical motives for 23 meetings. But it is not the historical U.S. policy to threaten Vietnamese independence. As I have pointed out before, one of the results of this war may be that Vietnam exhausts itself in a war

with a country that has no long range objectives in Indochina like this. Indeed, if peace is restored, as I have often explained, I think that it is inevitable that the U.S. will emerge as one of the principal countries interested in the independence and prosperity of Vietnam. So we are fighting now for a historical cause that really has no objective. This is the overriding reality and this is why peace should be restored. In three years no one will remember the parties. If we have a genuine peace between us this reality will be more important than the clauses of the agreement. And if there is war between us then all these arguments, which will appear in your press, and which we will have to answer, will have no significance. From our first meeting four years ago I have said that we recognize that you are a heroic people. So we know that if there is war it will be very difficult. But we too are principled people. You know that if the war continues we will be very determined. We will never have a better opportunity to make peace than now, when there are only four or five issues between us. So we are, as we both have agreed, at a crossroads. If we make peace now, we will pursue the implementation of our relationship with the DRV with the same determination with which we have pursued other changes in our relationship in the past, and this will create a totally new reality. But if the war continues we both have sufficient experience with each other to know the meaning of this, and I don't see how peace could be made for many, many years. This is why once more I want to say that we so greatly desire to make peace with you now.

The Special Adviser has resorted to his usual tactics, accusing us of supposed bad faith and evil motives. There is a time for suspicion but there is also a time for understanding. What is the reality as we look at it? I have publicly acknowledged something you have never done: that you made an important proposal in October. If the Special Adviser reflects for a few minutes he will recognize that it was a great temptation then, and we received much advice that we should just break the negotiations and accuse you of bad faith. We resisted this advice and put ourselves in a publicly disadvantageous position in order to maintain the momentum toward peace and, quite frankly to put the other Vietnamese parties under an obligation to move more rapidly. The Special Adviser is very subtle and will understand our intentions. What was the situation in October? You made an important proposal on October 8. What would you have done if I had said that I would have to go to Saigon to discuss it and we could not meet for two or three more weeks? We have managed to spend three years with each other. You know that it would have been easy to waste many more months. It was a great temptation. We deliberately agreed to an accelerated schedule, knowing very well what risks were involved. Risks for our country, since you would have the opportunity to do

what you are now doing, and personal risks for all involved. So you must understand that when you accuse us of bad faith, that is extremely offensive to us. We had always told you that there would have to be consultations in Saigon. And since your compatriots in Saigon are no more open with us than you are sometimes, we misjudged the nature of their views. Moreover, at the precise time that we were attempting to persuade them, the interview appeared which I have already discussed. I am not trying to argue; just to have you understand what we think. Then we received absolutely certain information—and you know that this is true—that between the time of my visit to Hanoi and 48 hours after a ceasefire you were planning to launch massive military attacks throughout South Vietnam to seize as much territory as possible. In fact those attacks were launched. I was supposed to go to Hanoi, and during that whole period and afterwards there would be massive military operations in South Vietnam. It is lucky it didn't come out that way because our own reaction would have been totally unpredictable. Ever since then we have been attempting to conclude the peace. You must be familiar with the attacks on me and on our policy which have been made daily in South Vietnam. You know how much time the President and I had to spend in order to bring the agreement to its conclusion. So we find ourselves in an absurd position in which you accuse us of plotting to destroy the agreement while others accuse us of plotting with you to destroy their independence.

Do you really think that the President spent 3½ hours and I personally spent 15 hours last week just to make theater? So we have been serious. You have been attempting to draw interest on a situation in which we deliberately took risks in October, and which did not turn out as expected, partly because of your actions. Now some of these difficulties may be caused by the fact that you are a subtle people, and we may not always understand what you say to us. You said that you made an important proposal during our last meeting. If that is so, we didn't understand it. To us it looked as if you wanted to abandon a provision of the agreement which we had used to convince Saigon of your good faith.

In exchange for an understanding to redeploy a very small, symbolic number of forces which was not written down, which could not be enforced and which was not even clearly specified. So we would have left the negotiation in which we intended to show improvement with a worse agreement, in return for a vague understanding. And this you presented to us in the form of an ultimatum. I know we could not accept this. If I accepted this the President would have rejected it. If the President had accepted this our allies would have rejected it. And therefore I thought it better for all of us to think things over. Nevertheless, in the meantime we have made a massive effort to

improve the possibility that any agreement we reach could be implemented. We have left no doubt of our determination to reach an agreement with you this week if it is consistent with our principles. We have left no doubt that we would proceed under those conditions regardless of the consequences.

But absorbed as you are in your own problems, it can't be hard for you to understand that we too have suffered in war. We too have principles and there is a point beyond which we can't be pushed. You have fought many years totally absorbed in your own problems. What you need now is a glimmer of understanding of what we are going through. It is especially painful for us to be engaged in controversy now and in the coming weeks with our allies, whatever you may think of them. If you look at the history of this President you will recognize that he is taking tremendous steps in pursuing this course with you, presenting him with serious difficulties with people with whom he has been associated for so long. He has undertaken this course. We have worked all week wracking our brains to see what we can concede in the points you have raised. What you can't ask him to do and what he will not do is to accept all your demands simultaneously. Not only regarding mention of the PRG, which we will try to do something about; not only regarding the political structure in South Vietnam, regarding which we will also try to do something; but that all your forces can stay and that 40,000 others will be released to augment them. So I have come here with some ideas how to take account of your principles if you are willing to take account of ours. What now divides us is phraseology, which if we have no good faith means nothing; if we have good faith it is unnecessary. Considering what we have already achieved it would be an historical tragedy, an historical absurdity if we could not conclude an agreement. If we analyze the agreement in terms of who has to do what, the specific obligations, we have settled nearly everything already. So there is really not much more to negotiate about. Either we will settle this week or we will never settle.

So that's how it looks to us. I know it looks different to you. I am sure we can spend the whole week discussing history, good will and serious intent. But what we need now is wisdom to see whether we can settle in the short term because we understand the long term already. We will make a maximum effort. You may not consider this enough. I actually think we could settle very quickly. We have two plans, one for war and one for peace. There is no sense giving you our plan for war. We have talked about this often enough. Let me tell you about our plan for peace.

You said last time that you would not be fooled again with a schedule. That's your business. I am telling you what we are prepared to do. Since only four or five problems divide us, we think we could

reach agreement in principle by tomorrow evening. On that assumption General Haig will leave for Washington immediately after the conclusion of our session tomorrow. On Wednesday, December 6, the Vice President of the United States and General Haig will go to Saigon carrying with them the agreements indicating that no further changes of any kind are acceptable. The Vice President is prepared to leave any time from Wednesday morning on. Within 48 hours of the conclusion of our negotiations here, or coincidental with the arrival of the Vice President in Saigon, we will stop all bombing and shelling and military activities against North Vietnam. On December 16 and 17, that is a week from this Saturday, I will go to Saigon. No later than December 22 we will sign the agreement. After Haig leaves here I will stay one more day to go over our understandings and issues of principle raised by the protocols. This is an unchangeable schedule. It is up to you to believe it or not, and except for the Vice President's trip it has been communicated to Saigon.

This is what we now foresee. We will make a proposal to you, many aspects of which we have had to make unilaterally. We will seriously take into account your principles. No matter what you said, we actually do not want to devote the next four years to war in Indochina. We would like to be able to look back on this as having brought about a revolutionary change in our relationship with Indochina. I have come here to make that effort and I hope that very soon we can shake hands on an agreement we will both be proud of.

Le Duc Tho: I would like to reply. I have met with you many times. We have on many occasions expressed our views and we have also expressed them fully today. We don't want to recall the objectives of the U.S. in Vietnam, because we have already spoken a great deal about that.

Dr. Kissinger: Excuse me. I meant to say I would go to Hanoi on December 16 or 17—not Saigon. Just so that you will understand where I intend to go. I will go to Hanoi.

Le Duc Tho: As to the origins of the war in Vietnam and Indochina we have already said a great deal. History will recognize these facts. Therefore I do not want to return to these subjects. We have been fighting each other, the war has been going on for more than ten years. You have understood our objectives are to achieve real independence and freedom. As I told you and you told me it's high time to settle the Vietnam problem. Conditions are right for such a settlement. We made great efforts. You made efforts too. So we reached agreement in October. President Nixon himself acknowledged that the agreement was completed and also that the date of signing the agreement was fixed. Now the reason for the agreement's not being signed on that date you said comes from our side. Because you said our intention

was to start big military operations in South Vietnam. When the war is still going on both sides have military plans. That is normal. Only when there is a ceasefire and the agreement is signed and the war ended no fighting will go on. So the cause for the agreements not being signed on the date that was fixed comes from your side and not from ours. Now that the agreement has been reached, you have proposed many changes. But we will not change the points on which we have agreed. If we had maintained the agreement we reached, the war would have been settled long ago and no more meetings would have been necessary. We maintain our questions of principle in the agreement. Whether settlement is possible or not depends on you because you agreed with us. Now you want to change the agreement and oblige us to accept your principles. How can we make such an agreement? The points I have raised you understand very clearly. Once an agreement is signed the wording is not important. Then why do you want to change it? I know that an agreement is an agreement. But what if the development of the situation is otherwise? In any case an agreement is a legal document which both parties should respect. You said we shouldn't pay too much attention to the wording but you insist on many changes in the wording. We haven't proposed many changes to the wording. It depends on you whether we can sign rapidly, settle the problem and put into practice the schedule mentioned. It does not depend on us. It is time to settle peacefully but to do so you should make great efforts and we will make an effort.

Dr. Kissinger: No adjective?

Le Duc Tho: Because we have already made great efforts and exhausted the possibilities. There remains only little effort to make. We will do that. You said you have some difficulties. We understand in part that you have difficulties with the Saigon administration and you have had discussions with them. But we still maintain that you are the decision maker. What is important for you is that the Saigon regime is still there and Nguyen Van Thieu is still there. Moreover if the agreement is signed you will be able to continue economic aid and only military aid will be excluded. I think that is the most important to you. So when the puppet administration . . .

Dr. Kissinger: I suggest we avoid phrases like that in the future.

Le Duc Tho: So when they propose changes it is less important than these points above. You say you have difficulty with wording but we have agreed to the wording between us and the wording is correct. Of course we have agreed in the main concerning the agreement. That means we are nearing peace. I think there is no reason for us to continue the war unless our principles are disregarded. In that case we have no other course than to continue the struggle. This is beyond our objective intention. If the situation comes to such a point, that depends on you.

Regarding the schedule you have proposed, in order for that to be put into practice you must make efforts and we will also make efforts but it mostly depends on you. Therefore whether we can put a schedule into practice or not depends on you. We have put forward all our proposals. For example, on civilian prisoners detained in South Vietnam whose release we are demanding, you have understood how important this question is to us. The reason we put forward our proposal is prompted by our desire to settle this question, but you have not discussed this proposal of ours. We put forward this proposal, then the following day you proposed interruptions in the talks and you read me some threats. I was somewhat dissatisfied by this. In negotiations you should not threaten us and of course we will not threaten you. When a proposal is made let us discuss it. This is obvious. I thought that when you proposed the restricted meeting that you would discuss our proposal. But no, you only made serious threats. But we have been fighting for ten years and you understand that we are not frightened by threats. You understand how we are. Let us now negotiate and discuss. The reason I draw this experience is that I desire to have good results in the current negotiations. That is my view. Now how shall we discuss?

Dr. Kissinger: Mr. Special Adviser, we have made efforts to take into account your principles in what we are prepared to present to you now or this afternoon. We have attempted to reduce it to the minimum. As we understand your proposals, you want some mention of the PRG in the document. We have tried to find some approach to this. You want to maintain the essence of what has been agreed to regarding the political provisions. We will try to find some approach. I will put aside the question of prisoners for the moment.

What do we need? We need somewhere something in the agreement that indicates that the forces in South Vietnam are not a matter of indifference to us. You accuse me of trying to find tricky formulas. That's true. I am trying to find some formula which permits you to maintain your principles and at the same time permits us to maintain our principles, through some very vague phrasing. Maybe we have not been ingenious enough in finding the right phrase but that's our objective. Now regarding the civilian prisoners, we cannot possibly change the Article but I think we could work out an understanding where the practice would come close to your intention. That is, linking a *de facto* redeployment of forces to a release of prisoners. Those are our thoughts on this matter.

Le Duc Tho: You presented your proposals in very general terms. If possible, present your concrete proposals. Then we will break and study them and respond this afternoon.

Dr. Kissinger: Actually, there are very few remaining problems. First, with regard to the Preamble, here is our proposal. There is abso-

lutely no possibility for the Saigon government to sign a document mentioning the PRG, and such a signature would have a different significance for it than for us. Therefore our suggestion is as follows. We are prepared to sign a Preamble mentioning the PRG, that is, the U.S. is prepared to sign. We maintain our position that we do not recognize the PRG, but we are prepared to mention it in the document. The Saigon government would sign a separate Preamble. Thus we would exchange four different documents which would be the same except for the Preamble. The Preamble in three of the documents would be the same and there would be one Preamble which would be different. This is a sign of good will on our part to separate ourselves from our allies in this manner. Except for the Preamble, the four documents would be the same. Here are the two texts of the Preamble, one which we would sign, which would be the same as the one you would sign, and one Preamble the Saigon government would sign.

Le Duc Tho: You mean the agreement would be signed by the two parties.

Dr. Kissinger: No, there would be four documents. The agreement would be completed when the parties had exchanged documents. We would sign a document whose preamble would be identical with yours, mentioning the PRG. The Saigon government will sign a document whose first paragraph would be different but all the other obligations would be the same. Certainly the Minister understands.

Minister Xuan Thuy: I understand, but the more I understand the more laughable I think it is.

Dr. Kissinger: Maybe you find it laughable but this is a major concession on our part. Of course we would be prepared to sign a document merely saying the four parties.

Le Duc Tho: That would never be acceptable.

Dr. Kissinger: The Special Adviser said that if we could find any treaties which did not specify who the parties were then he would agree with our position. We have found at least 20 treaties which do not mention the names of the parties in the preamble, including the SEATO Treaty, to which I know the Special Adviser pays special attention.

Le Duc Tho: I pay very great attention to the SEATO Treaty because of its objectives.

Dr. Kissinger: But I will be glad to give you a list of the treaties which don't mention any of the parties.

Minister Xuan Thuy: Why shouldn't we mention the names of the various governments in the document with a note below it that this does not imply recognition of each other?

Dr. Kissinger: I trust you recognize that for the Vietnamese parties the act of giving symbolic recognition is more important than for us.

Does the Minister mean that the DRV would then be withdrawing recognition from us?

Le Duc Tho: Present your proposal. We will study it.

Dr. Kissinger: All right. Regarding paragraph 8(c), we will temporarily put it to one side. We will come back to it. Concerning Article 12(a), we recommend that we drop the word "equality" after the words "reconciliation and concord," which was the original text, the one in October. Therefore it would read "immediately after the ceasefire the two South Vietnamese parties shall hold consultations in a spirit of national reconciliation and concord, mutual respect, and mutual non-elimination to set up an administrative structure called the National Council of National Reconciliation and Concord, of three equal segments." We accept three equal segments but we would like to add "whose members shall be chosen equally by the two parties."

The phrase "whose members shall be chosen" etc. is in fact in our mutual interest, otherwise the Council would never come into being because each side would veto the candidates of the other side. We will accept the sentence on councils at local levels. Regarding Article 13 we would like to mention in the proposal how demobilization will be carried out. We don't consider this a change of principle, just an explanation. But we will drop the sentence on international supervision. Regarding Article 15, we would add the phrase "and each other's territory" to "respect for the Demilitarized Zone." Regarding Article 20(d), we will drop the sentence that we proposed, "accepting the principle of maintaining their armed forces" etc. We just wish to add the phrase "and the non-use of force against one another." Regarding Article 8(c), we propose maintaining this article. But we propose to add an understanding that the U.S. will use its maximum influence on the basis of the relationship between the release of prisoners and the redeployment of forces, so that we can agree to the essential aspects of your proposal without changing the language. These are all the proposals we have; we withdraw any other changes still outstanding. If we can agree on these changes, we can finish the agreement immediately with these procedures.

Le Duc Tho: That is your subjective desire.

[Regarding our new meeting place:]

Dr. Kissinger: Colonel Guay would be glad to take one of your members up there. If you have any special requirements we will do everything to meet them.

Le Duc Tho: Our requirement is to have an adequate record. If we are limited to handwriting it is not accurate.

[It was agreed that we would bring a tape recorder to tomorrow's session and give the DRV the machine and the tape so that they can listen to it upon the conclusion of the session.]

[It was agreed to meet at 4 p.m. this afternoon at the new house proposed by the DRV.]

Dr. Kissinger: I forgot to make one point about the understanding in connection with Article 8(c). It would help our ability to apply the understanding and convince our people about the agreement, if some redeployment occurred soon after the signing of the agreement. It's just a question of timing, a symbolic number.

33. Memorandum of Conversation¹

Paris, December 4, 1972, 3:50–6:35 p.m.

PARTICIPANTS

Le Duc Tho, Special Adviser to DRV Delegation to Paris Conference on Vietnam
Xuan Thuy, Minister, Chief DRV Delegate to Paris Conference on Vietnam
Nguyen Co Thach, Vice Minister for Foreign Affairs
Phan Hien, Delegation Member
Luu Van Loi, Delegation Member
Trinh Ngoc Thai, Delegation Member
Nguyen Dinh Phuong, Interpreter
Two Notetakers

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 865, For the President's Files (Winston Lord)—China Trip/Vietnam Negotiations, Camp David Memcons, December 1972 [3 of 3]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at 2 Rue de Marronniers, Ste. Gemme (par Feucherolles), Yvelines. All brackets are in the original.

Going into the December round of meetings, the Politburo expressed some unhappiness with Le Duc Tho's performance in the November meetings. Although expressed impersonally, it nonetheless represented sharp criticism. A December 1 assessment of the round sent to Tho and Thuy noted: "After the U.S. double-crossed us and refused to sign the Agreement to which both sides had already agreed, we fought them and severely criticized them. However, during the first few days [of the November meetings] we did not steadfastly follow our principle of firmly maintaining the content of the Agreement, and instead we hastily presented a number of soft, flexible ideas." (Message from the Politburo to Le Duc Tho and Xuan Thuy, 1 December 1972, Doan Duc, et al., *Major Events: The Diplomatic Struggle and International Activities during the Resistance War Against the Americans to Save the Nation, 1954–1975*, volume 4, p. 352) Tho and Thuy accepted this criticism and even put it a little more starkly in a November 28 report to the Politburo: "we have made a number of concessions too early." (Luu and Nguyen, *Le Duc Tho-Kissinger Negotiations in Paris*, p. 356)

When Kissinger reported to the President from Paris about the December 4 afternoon session, he stated that "we are at a point where a break-off of the talks looks almost certain." In the meeting, according to Kissinger, Le Duc Tho "rejected every change we asked for, asked for a change on civilian prisoners [in South Vietnam], demanded the withdrawal of American civilians from South Vietnam thus making the maintenance of

(Footnote continues on next page)

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
M/Gen. Alexander M. Haig, Deputy Assistant to the President for National
Security Affairs

Ambassador William Sullivan, Deputy Assistant Secretary of State
Winston Lord, NSC Staff

John D. Negroponte, NSC Staff

David A. Engel, NSC Staff, Interpreter

Peter W. Rodman, NSC Staff

Miss Irene G. Derus, Notetaker

Before the meeting the group met in a sitting room and engaged in light conversation about the new house and the portraits on the walls. At approximately 4:08 they adjourned to the meeting room.

Dr. Kissinger: If the peace negotiations don't conclude now we will be going to a chateau next. We are going to bigger and bigger places.

Le Duc Tho: Shall we begin?

Dr. Kissinger: Please, Mr. Special Adviser.

the Vietnam Air Force impossible, and withdrew some concessions from last week." If the United States went along with Tho's demands, he concluded, "we would wind up with an agreement significantly worse than what we started with." Consequently, as Kissinger informed the President, he had told Tho "flatly that his approach did not provide the basis for a settlement." Nevertheless, Tho "stuck firmly by his intransigent position. The only alternative he offered to his presentation this afternoon was to go back to the October agreement literally with no changes by either side."

Kissinger was pessimistic:

"It is not impossible that Tho is playing chicken and is waiting for us to cave tomorrow. But I do not think so. There is almost no doubt that Hanoi is prepared now to break off the negotiations and go another military round. Their own needs for a settlement are now outweighed by the attractive vision they see of our having to choose between a complete split with Saigon or an unmanageable domestic situation. We have two basic choices, assuming as we must that their position is final: (1) go back to the October agreement or (2) run a risk of a break-off of the talks.

"I believe the first option is impossible:

"—After all our dealings with Saigon and his insistence on some changes these past weeks, this would be tantamount to overthrowing Thieu. He could not survive such a demonstration of his and our impotence.

"—We would have no way of explaining our actions since late October.

"—It would be an enormous propaganda victory for Hanoi.

"—Most importantly, it would deprive us of any ability to police the agreement, because if the Communists know we are willing to swallow this backdown, they will also know that we will not have the capacity to react to violations.

"Thus while the October agreement was a good one, intervening events make it impossible to accept it now.

"4. Therefore I believe we must be prepared to break off negotiations."

Kissinger also put the afternoon meeting into a larger context for Nixon, observing: "The central issue is that Hanoi has apparently decided to mount a frontal challenge to us such as we faced last May. If so, they are gambling on our unwillingness to do what is necessary; they are playing for a clearcut victory through our split with Saigon or our domestic collapse rather than run the risk of a negotiated settlement. This is the basic question; the rest is tactics." (*Foreign Relations, 1969–1976*, vol. IX, Vietnam, October 1972–January 1973, Document 139)

Le Duc Tho: This morning I carefully listened to your statement, to the questions raised by you. We find out that there are questions in which we can make no further concessions, but there are some which we will try our best to find out formulas to settle these questions. But they are very few, because the questions we have raised to you are great ones and are questions of principle for us.

Let me now, Mr. Special Adviser, point out the great questions of ours. And then there will be a number of other questions, concrete ones, we will settle later.

The first great question I would like to raise now is the military question. In this military field there are two questions. The first one is what you call the withdrawal of North Vietnamese forces. I have spoken to you on many occasions about this question. I also pointed out on many occasions the reason why we stick to this question. Therefore we deem it unnecessary to repeat here. Therefore in the agreement as well as in practice, in principle, you should not raise this question to us. We will never accept this question.

And therefore in the agreement there are two places, two paragraphs, implying the so-called withdrawal of North Vietnamese forces. The first place is the paragraph dealing with demobilization, Article 13. We would like to maintain our proposal regarding the question of Vietnamese armed forces in South Vietnam: This question [reading] “will be settled by the two South Vietnamese parties in accordance with a spirit of national reconciliation and concord, equality and mutual respect, without foreign interference, in accordance with the post-war situation. Among the questions to be discussed by the two South Vietnamese parties are steps to reduce the military strength of the armed forces on the two sides and the demobilization of the troops being reduced.”

The second place is in Chapter VII, Article 20(d). Now you have dropped the sentence you proposed to add previously. Now you propose to add the word “non-use of force against one another”. I am of the view that this is superfluous and unnecessary, because these countries undertake not to introduce troops, armaments and war material into one another’s territory and undertake to respect one another’s independence and territorial integrity. I think that this is sufficient. Since they will refrain to introduce troops, armaments and war material into these countries, then they cannot use force against one another. Therefore we think we should maintain the previous formulation of Article 20(d) agreed to between the two parties.

The second question we have raised is the question of civilian personnel associated with military service, in Article 5, Chapter II. Last time I raised to you that we would like to add one more sentence saying “Civilian personnel associated with the military training, sup-

ply, maintenance, storing and repair of war materials will be withdrawn from South Vietnam.” Last time you accepted that these such civilian personnel introduced into South Vietnam after November 1 would be withdrawn only. I think that all civilian personnel mentioned above introduced after November 1 and as well as before November 1 should be withdrawn. Since now you want to reestablish peace and to end the war and to stop your military involvement in South Vietnam, I think that these civilian personnel associated with military service should be withdrawn. Only in doing this can you show your desire for lasting peace. But taking into account of your requirement, we have accepted an understanding that these civilian personnel may be withdrawn one month after the time limit prescribed for the withdrawal of other troops.

The third question I have raised in the military field is the question of the demilitarized zone, Chapter V. Previously you have agreed to the sentence that “South and North Vietnam will respect the demilitarized zone on either side of the provisional military demarcation line.” You have agreed that this sentence evidenced great effort from our part. Now you want to add one more sentence.

Dr. Kissinger: Four words.

Le Duc Tho: Six words. “Respect each other’s territory.”

Mr. Phuong: Six words in Vietnamese.

Le Duc Tho: But in accordance with the Geneva Agreement the military demarcation line is only provisional. It cannot be in any way interpreted as a political or territorial boundary. If now you put “respect each other’s territory” it will mean a permanent partition of the country. Therefore we disagree with you to put these words here.

But I propose the following: “North and South Vietnam will agree on the statute [status] of the demilitarized zone and the modalities for movement across the provisional military demarcation line.” Therefore the two parties will respect the demilitarized zone but will later discuss and agree upon the statute [status] of the demilitarized zone and the modalities for crossing the demilitarized zone. I propose this sentence, so that the two parties will hold further discussions on this question.

Now in the political field there are also three questions. First, the question of the National Council of National Reconciliation and Concord. We are of the view that in this political field we have made very great efforts. Therefore we maintain our proposals and we feel that this is a very reasonable and logical solution we have proposed. Regarding the name of the body, you proposed to write “administrative structure”. In the Vietnamese it is “Co cau hanh chinh”, but in Vietnamese language we put “Co cau chinh quyen”. Because in Vietnamese language the word “administrative structure” may be translated either by “co cau chanh quyen” or “co cau hanh chanh” or “co cau cai tri”.

Three translations—three meanings. So you can maintain the English words, but we, in the Vietnamese language, we keep “co cau chinh quyen”. This is only a term but to us it is very important. We have dropped our demand on the three-segment government. Therefore this word in Vietnamese has political significance for us. But in practice it is not a structure of power, because the name of the body is National Council of National Reconciliation and Concord and it will operate in accordance with the principle of consultations and unanimous decision. Therefore it has no implication of government at all. This is about the word “administrative structure”, the name of the Council.

Now the three segments.

Dr. Kissinger: Are you dropping it now?

Le Duc Tho: Probably you are more inclined to drop these words than we!

Dr. Kissinger: Why don't you try me? I might surprise you.

Le Duc Tho: You have known my views on that. We would like to maintain the words “three equal segments”. This is our formulation we proposed. We have nothing to add to that. So this formulation will let the two South Vietnamese parties discuss and agree on the formation of the Council with three equal segments. Therefore we feel it unnecessary to add the words you have proposed that the two South Vietnamese parties will choose—equally choose—the persons of the third segment. Therefore in the agreement we propose to write “a National Council of National Reconciliation and Concord of three equal segments”. So I have so tried to find a formula in the middle of the road. So it would be written “a National Council of National Reconciliation and Concord of three equal segments” and then the two South Vietnamese parties will discuss how to choose. We don't propose any method to choose people. I propose to write only this.

Dr. Kissinger: Will you add that sentence, that “The two South Vietnamese parties will choose?” What is your proposal?

Le Duc Tho: I maintain the previous formulation like this. I maintain it to you.

Dr. Kissinger: I thought I heard the Special Adviser say he found a position in the middle of the road. The position he has found is the one he has always had.

Le Duc Tho: This is the middle of the road from our point of view. It is already a middle of the road position. I would like to recall this was agreed between the two parties. But what I would like to propose is that this Council should be formed sooner than three months. Last time I proposed to you that this Council should be formed within 15 days after the signing of the agreement. Because after the ceasefire becomes effective there are two armies, two administrations and two

different regions in South Vietnam. Such a body will see to the implementation of the signed agreements and will see to the achievement of national reconciliation and national concord. It will be a body to see to the preservation of lasting peace.

This morning you proposed to delete the word “equality” in Article 12(a).

Dr. Kissinger: That was never in it. We added it as a substitute for “Three equal segments”, as the Special Adviser very well knows.

Le Duc Tho: Because the two South Vietnamese parties will hold consultations in a spirit of national reconciliation and concord, equality, mutual respect and mutual non-elimination, we feel that the word “equality” is appropriate here. We should maintain it.

Dr. Kissinger: There is nothing to maintain. It is not in there now. We added it in order to take out “three equal segments”. It is an extraordinary procedure that you pocket the word *and* restore what we are trying to take out. Well, I will let you finish.

Le Duc Tho: I have not heard you say that you replace the word “three equal segments” by the word “equality” here, but I have heard you say “hold consultations in a spirit of national reconciliation and concord, equality, mutual respect”, and so forth. Because to insure mutual respect there should be a spirit of equality.

Dr. Kissinger: All I can say is, at the end of October we deliberately did not use the word “equality” here. Then, last week for the first time, we proposed putting it in. In order to show our good will, when we recommended taking out the words “three equal segments”, we recommended the word “equality”. Now you want to keep the word “equality” and put in “three equal segments”. That is what the practical situation is.

Le Duc Tho: Because now we have the National Council of National Reconciliation and Concord with three equal segments, but we have also the two South Vietnamese parties which will hold consultations with each other in a spirit of equality.

Dr. Kissinger: Well, that is all very interesting but it was never part of the agreement. I am not questioning the Special Adviser’s theory, I am questioning his methods.

Le Duc Tho: Why it is not good? Because it is always our view that the two South Vietnamese parties should consult in a spirit of equality and the National Council of National Reconciliation and Concord will be composed of three equal segments. Because you want to delete the word “equality” . . .

Dr. Kissinger: No, the word “equality” is not now in the agreement.

Le Duc Tho: Because your intention is to consider the Provisional Revolutionary Government as unequal to the Saigon government.

Dr. Kissinger: What our intention is is totally irrelevant. You agreed not to have the word “equality” in it. We offered it last week as a substitute for “three equal segments”, to show our good will. Then as part of the maximum effort we made in the interval to try to restore as much of the agreement as we can, we went back to “three equal segments”, and then naturally the word “equality” has to go.

Le Duc Tho: Now we propose this, and we shall discuss.

Now, to the way of operation of the Council. We use the Vietnamese words “don doc”; that is “to see to” or to “oversee”. [Dr. Kissinger laughs] And not to “promote” or “encourage”. It is the normal thing—this task of the Council to see to the implementation of the signed agreements. We don’t see any necessity to change this word. I think that you should not deprive the Council of its name, its composition, of its organization, of its task, to make it an empty body.

The second question in the political field, about the mention of the Provisional Revolutionary Government in the text of the agreement. The reasons I have expounded to you last time. Therefore I think that in the Preamble the name of the governments should be mentioned, in which there is mention of the Provisional Revolutionary Government of the Republic of South Vietnam. This mention of the name of the government does not mean mutual recognition of each other. We feel that the mention of the parties to an agreement is something conforming to the political significance and the legal significance of the agreement. And afterward if one party doesn’t want to recognize some other party they can make a statement about that. Such a case has happened at the Geneva Conference of 1954 and 1962.

Now the third question in the political field, which has also an important significance.

Chapter First. Previously there was a provision that “the United States respects the independence, sovereignty, unity and territorial integrity of Vietnam as recognized by the 1954 Geneva Agreements”. On these subjects last time I took into account your proposal. Now I have received instructions from my government to propose to maintain the previous formulation of this article agreed to between the two parties. Because here we have a difference with Geneva Conference because the 1954 Geneva Conference was an international conference on Vietnam. Therefore, it was stipulated at that time, provided for at that time, that all countries shall respect the national fundamental right of the Vietnamese people. Now you are negotiating with us. And in the agreement if there is a provision that the United States respects the independence, sovereignty, and so forth, it is the normal thing, because these negotiations are carried out between we and you. And our people, after the end of the war, if there is such a provision, then our people will be more confident, more convinced of the United States

refraining from interfering in our affairs, and more confident that the United States will respect our national fundamental rights. Moreover, after the end of the war if our people see an undertaking by the United States to respect our fundamental national rights then this will strengthen the friendly relationship between the Vietnamese and the American people. This will do no harm at all to the honor of the United States, because the question of honor for the United States, as you told us previously, is the question of the Saigon Administration and the question of the resignation of Nguyen Van Thieu. And the question of honorable settlement of the Vietnam problem has been settled in the way which we put forward [in] our proposal on October 8. It is the way to settle the Vietnam problem in an honorable way for you. Therefore we would like to maintain what has been agreed between us. It is something reasonable and logical.

The last great question I raise to you is the question of civilian personnel detained in South Vietnam. This is a great question for us. Last time I have spoken in great length on this subject and I handed to you a formulation of Chapter III for your consideration. Now I am taking into account of your view and therefore I make the following proposal:

Regarding Article 8(a), we formulate it as follows: "The return of captured military personnel of the parties will be carried out simultaneously and completed on the same day as the troop withdrawal mentioned in Article 5."

Article 8(b): "The return of foreign civilian personnel of the parties—the return of captured foreign civilian personnel of the parties—will also be completed within 60 days of the signing of this agreement."

The same time period for the return of the captured personnel, but we separate it into military personnel and foreign civilian personnel of the parties, to make it clear. There is no problem about it. But we separate the question of captured Vietnamese civilian personnel detained in South Vietnam. So in Article 8 if there is any amendment it is on this point.

Dr. Kissinger: No.

Le Duc Tho: Actually we have agreed with you on this article. We know your difficulty on this question. But this question is a great one for us. Therefore we propose that the release of Vietnamese civilian personnel detained in South Vietnam should be completed within 60 days, as well as the other military personnel.

But to facilitate the solution of this question, we have proposed an understanding under which there will be a redeployment of a number of the forces of the Provisional Revolutionary Government in the northern part of South Vietnam so as to reduce tension in this region.

So such is our proposal.

These are some great questions of ours. I have expressed my view. Besides that, there are a number of minor questions, but after the discussions of these questions we will come to that. I have finished expressing my views on our necessities.

Dr. Kissinger: Mr. Special Adviser, usually after you finish talking I ask for a recess to consult my colleagues. This will not be necessary today. I am not asking for it, because I know the answer.

Until today I was convinced that there would be an agreement. I said so publicly and I even was prepared to put my personal reputation on the line in that connection. I did so to reassure you and also to make clear to the other Vietnamese parties that we would not have any delay. After your presentation I no longer see a possibility for an agreement.

I will give you our reasoning. We can then decide to meet again tomorrow to see if any of us has any additional thought, but I see no basis left for discussion.

You are trying to take advantage of an accelerated procedure we adopted in October which then did not succeed. You are trying to hold us to those parts of the agreement that suit you, to change those parts of the agreement that do not suit you, and do all this in the name of alleged agreements reached in October. I do not want to mislead you. There is no possibility whatever that we will accept what you have presented. We could not even consider sending the Vice President to Saigon with such a proposal and we would never do it. It is up to you to determine whether you have judged our situation correctly. You have made mistakes with respect to that in the past.

Le Duc Tho: We were not mistaken.

Dr. Kissinger: We will see. Mr. Special Adviser, there is no sense discussing it because reality will determine that. I will simply sum up our view. We have spent the last ten days since our meeting in Washington making absolutely maximum efforts to go to the absolute limit of what can be conceded. We have used extreme pressure with our allies in order to get them to come along with what we consider a minimum honorable settlement. You have spent your last week increasing your demands.

Now let me reply in the order which you made your points.

You say you have no troops in the South, that all the troops that are in the South are southerners and sons of southerners. In that case your objection to what we proposed is almost incomprehensible. It is not a new—it is not a different principle, it is an elaboration of an existing one. We have gone to extraordinary lengths to avoid offending your principle.

With respect to Article 20(d), you say the phrase “non-use of force” is superfluous. If it is superfluous, why do you object to it?

To return again to Article 13, there are three separate issues: One, the modalities of demobilization; second, where the demobilized people go; and third, the length of time in which this demobilization takes place. As I understand you, you are rejecting all three. Though asking for extreme specificity with respect to the political measures, you reject comparable specificity with regard to the military measures.

Now with respect to Chapter V, on the demilitarized zone. Your addition is not a concession. Your addition in no sense takes into account our concern. What your addition does, as you very well understand, is to weaken the previous sentence with respect to the demilitarized zone by implying that its status is undefined. So its practical consequence is a withdrawal of the previous position.

With respect to the political provisions, you have adopted a truly extraordinary procedure. You are pocketing all the phrases we put in in order to make your concessions easier. On top of it, you reject the changes which these concessions were supposed to make possible. You propose a Vietnamese word for “administrative” which we never accepted in October, and then you add provisions which renounce many of the concessions you made in October and which deprive the three-months phrase of all meaning.

With respect to the Preamble, last time you said to us that if we could find you treaties that did not mention the name of the parties, you would drop your demand. We have found a large number of such treaties and will be glad to give them to you. Nevertheless we don’t hold you to this demand. We proposed a procedure that showed great good will in which the United States was prepared to make this concession in its own name. This has been ignored.

On Article 1, which was one of the fields in which we made progress last week, you withdrew your position.

With respect to Article 8(c), which was one of the significant points you had made in October, you have withdrawn that.

We are, therefore, in a situation in which—and you have made new demands about U.S. civilian personnel. The accumulation of all these changes would have the practical consequence that you would have destroyed the essence of the agreement.

Le Duc Tho: But you yourself had wanted to undermine the substance of the agreement we had reached in October. You have reversed many questions in it. Fairly speaking, if we review the text of the agreement now, the changes have been proposed by you. Because you have proposed the changes, then myself I have made some changes. If you keep the previous agreement we will keep the previous agreement without any word. We will think about it.

Dr. Kissinger: I have explained to you on innumerable occasions what our difficulties are. And we have made a serious effort to come to an agreement. We have come here with good will and with every intention of concluding the agreement very rapidly. What the Adviser has presented provides no basis for discussion. We could have understood a counterproposal. I was afraid maybe that I had misunderstood the Special Adviser last time—although it seemed unlikely after the many conversations we have had—and that maybe I acted hastily in asking for a postponement. But I am afraid I understood him only too well. It is personally very painful to me to come to this conclusion. All of us have invested a great deal in an effort to come to an agreement with you, and especially myself, but what the Special Adviser has proposed is unacceptable to us. I would be happy to hear his views. I would be delighted to meet again tomorrow but on the assumption that there must be no misunderstanding. I have expressed my views with the utmost frankness. But before the Special Adviser replies could I take a two minute break?

[The meeting broke at 5:25 and resumed at 5:32.]

Le Duc Tho: Let me now speak a few words. You can't evaluate the situation by saying that we have made no efforts to progress to peace. If we had no desire to advance to peace, then we would not have made the proposal on October 8. After we reached the agreements you did not keep the agreement we had reached, and you asked for changes to the agreement. Then I returned to Paris once again to negotiate once again with you, and, speaking in a fair way, after the six days of negotiations of late, fairly speaking, you have brought many changes to the agreement. As for us, we have proposed only a small number of changes.

Dr. Kissinger: Only vital ones. Mr. Special Adviser is like one who shoots you in the heart and says he fired only one bullet.

Le Duc Tho: [laughs] Probably I have shot home your intention only. Actually you have proposed many changes, and important ones, and we propose only a few changes only. What we would have liked to maintain is the agreement reached. We do not want to add anything more. The changes you proposed involved a great question of principles. I have explained many times this question. What you call North Vietnamese forces in South Vietnam, for instance. Many times previously and even last time, too, I pointed out that this is a question of principle. We will not accept any mention in the agreement that implied the so-called North Vietnamese forces in South Vietnam. You, yourself, you said that in the agreement there remain two places where there is implication about the so-called North Vietnamese forces in South Vietnam. These two places are in Article 20(d) and second, Article 13.

Now you have dropped one implication at Article 20(d). I acknowledge that you have made an effort in this connection. But we should

correctly evaluate your effort, because it was an article on which we reached an agreement, and now you propose to add new things, and now you propose to drop your new proposal. Regarding Article 13 you still maintain your stand.

It is our intention to settle the Vietnam problem and have lasting peace. That is the reason why we proposed the reduction of military strength and the demobilization and let the two South Vietnamese parties discuss and agree on the reduction of military strength and demobilization.

Regarding the political questions, these are internal affairs of South Vietnam that will be settled by the two South Vietnamese parties.

Dr. Kissinger: Except you want us to specify.

Le Duc Tho: Let me finish first, Mr. Special Adviser.

Now regarding the reduction of military strength, you propose it should be done on a one-for-one basis. This detail is unacceptable to us. You should know that the military strength of the Saigon Administration—how big it is. You know that. And you also know the military strength of the Provisional Revolutionary Government. So the basis on which you propose the reduction of military strength reveals it is your intention to keep the military strength of the Saigon Administration strong and in big numbers. Therefore we disagree with your approach. Our view is that these questions will be let to the two South Vietnamese parties to settle later. And you, yourself, acknowledged that your proposal in this subject implies also your intention to mention about the so-called North Vietnamese forces in South Vietnam, and I have explained to you that any implication of such kind is unacceptable to us.

Now regarding the political questions, the organization of the Council of National Reconciliation and Concord. This is one question agreed between the two parties already and we have made very great concessions on this subject. This has been agreed to by you with us and now you propose a change. What we propose to do is to maintain what has been agreed to between the two parties already.

Last, the mention of the name of the Provisional Revolutionary Government. It is something which we too have agreed to mention in the text of the agreement. So your intention in removing any mention of the Provisional Revolutionary Government in the agreement is that you are unwilling to acknowledge the reality existing in South Vietnam, that there are two administrations, two armies, and two different regions in South Vietnam.

Now these three questions—Article 13 regarding the reduction of military effectives, the political questions, the mention of the name of the Provisional Revolutionary Government—these are three questions which have been agreed to between the two parties and now you want

to change these questions. What we propose is to maintain the points which we have agreed to.

Now the question of captured and detained personnel of the parties. Actually it is a question on which we have proposed a change in comparison with what we have agreed with you. So while you have been proposing so many changes we have proposed only one change, on this question only. You say previously that our intention is to undermine the agreement, so this word “undermine” is inappropriate. While you are asking for changes and when we propose changes too, you want to prevent us from doing so. Do you mean we have no right to propose changes?

Dr. Kissinger: You have every right.

Le Duc Tho: If you maintain every point as it was in the agreement, we will also maintain this point as it was in the agreement. But although we have brought about a new approach to this question, we have also thought and found out a new formula convenient for you to accept.

We have also raised another question. That is the question of American civilian personnel associated with military services. It is something stemming from the real situation in South Vietnam, because you have been introducing a great number of civilian personnel now into South Vietnam.

Dr. Kissinger: That is simply not true.

Le Duc Tho: We have discussed this question previously with you.

Dr. Kissinger: That doesn't make it true.

Le Duc Tho: You also acknowledged that there are civilian personnel coming into South Vietnam. Therefore you accept that civilian personnel come into South Vietnam after November 1.

Dr. Kissinger: I didn't accept that. I didn't say any were going in. I said this: Just to reassure you I accepted that prohibition. That is a very different thing. I also said that no civilians would perform tasks not performed by civilians on November 1, or October 15. This would prevent our using civilians to replace military personnel performing these functions. That was a sign of our good will. That didn't mean that we were doing it. It was to reassure you against the same thing as happened in Laos happening in Vietnam; that military tasks being carried out November 1 or October 15 by a military man would not be undertaken by civilians. That is what I proposed. I did not acknowledge anything of the kind that you suggest.

Le Duc Tho: This has been discussed a great deal in the press. Moreover the actual situation in South Vietnam testifies to the fact. Moreover you acknowledged that only a number have just come into South Vietnam recently and those will be withdrawn. Those who have come into South Vietnam before that date should be withdrawn too.

Now you have proposed many changes, so we disagree to the changes you propose, and we propose to maintain the previous formulation. Besides that we propose a small number of changes only. So you have added many things and important things. We have agreed to a number of your changes, for instance the question of the demilitarized zone. Previously this question did not appear in the agreement. Now we have accepted to mention about the demilitarized zone.

As far as we are concerned, we only propose to maintain what had been agreed to between us, and we had proposed a small number of changes. In both these fields you have not responded anything yet. Whereas you want to compel us to accept the changes in accordance with your stand; what we propose to maintain or to change, you did not respond to our proposal. If so, no settlement can be possible. Do you respect the principles I have pointed out many times? Only when you respect the questions of principle I have raised, then settlement is possible. I have finished.

Dr. Kissinger: Well, Mr. Special Adviser, we are again approaching the sort of sterile exchange that characterized our meetings for three and a half years and which I confess I was deluded for one brief moment in October into believing was at last behind us. There are so many misrepresentations in what has been said that it is very difficult to know where to begin.

We have played a charade with you in which we have agreed to your pretense that there are no forces in the south. That was a sign of good will. We both know it isn't true. You say that our one-to-one proposal is unfair because the Provisional Revolutionary Government forces are smaller than the forces of the Saigon Government. They are not larger than the forces of the DRV and the PRG put together. Therefore taking the DRV forces into account it was not at all an unreasonable proposal.

With respect to the demilitarized zone, you say it was not contained in the previous agreement. That isn't exactly true. The previous agreement said it was only provisional. Something has to exist before it can be provisional. So there was some pretty clear reference to it.

While the changes you are asking for cannot be measured by their number but by their impact. And the impact is to destroy those parts of the agreement that gave it some equilibrium before.

I regret that the agreement could not be concluded when it was. But I also know that we came here this week with the absolute determination to conclude the agreement, and I know that with real good will it could be concluded this week. And we have made clear, as even the newspapers reported, that we would proceed if our minimum necessities were met. It is not true of course that we did not respond to the changes you asked for. We gave you a formulation.

Le Duc Tho: Please point out what you have responded.

Dr. Kissinger: I responded last time with a specific proposal with regard to the civilians, which was (1) that no civilian could assume any function that a civilian had not assumed on October 15 or November 1 or whatever convenient date.

Le Duc Tho: Please repeat.

[Mr. Engel repeated what Mr. Kissinger had said. The DRV side conferred.]

Dr. Kissinger: That is to prevent civilians from replacing military personnel.

Mr. Phuong: The civilian personnel should not assume responsibilities which they have not yet assumed before October 15.

Dr. Kissinger: That is right.

Mr. Phuong: But the responsibilities those civilian personnel have assumed before October 15, they will still do their task. Is it true?

Dr. Kissinger: Let me finish. I am doing it in three stages.

Second, I proposed that no civilian can be permitted to engage in military operational training or participate in military operations even if they did do it before. Thirdly, that the number of civilians in other categories is being substantially reduced. But there are a minimum number of technical personnel which cannot be replaced until their replacements are trained.

So we have answered your point here.

With respect to 8(c), I answered you this morning. Our position is that the article be maintained as written but that we have an understanding of a relationship between the redeployment and the release so that in practice it could work out very close to what you proposed.

Le Duc Tho: Have you finished?

Dr. Kissinger: So it simply isn't correct that we haven't answered you. You may not like our answer, but you have an answer.

Le Duc Tho: Let me reply to you on that very point. The many changes you have proposed, I have responded to a number of them. Others we wanted to maintain the previous formulation. Now you proposed the changes. I have responded to a number of them. Now our proposals you say that you have responded to them.

Regarding Article 8(c), now you want to maintain what it was before. That is no response at all. Regarding the wording, it is no response at all. Regarding the understanding you proposed this morning, this has been stated by you previously to Minister Xuan Thuy that you would exert a maximum effort so that civilian prisoners might be released within two months. Now you maintain the previous, the old formulation. Now you want to link it with the understanding we have

made regarding the redeployment of a number of the PRG forces in the northern part of South Vietnam.

If you maintain the old formulation of this article, then there is no reason for us to propose such a redeployment. If you maintain as it was the article and your undertaking, then there is no need for us to make the understanding we have made. We have proposed this understanding we have made about this redeployment of a number of forces so as to have a partial change to Article 8(c), and at the same time when we propose this understanding with the practical solution to what you call the implication of the so-called North Vietnamese forces in South Vietnam.

As to the question of civilian personnel associated with military activities, there is not yet any response from your part to this proposal of ours.

Dr. Kissinger: Now wait just a minute, we went through three and a half years of this exercise and we can't go through that exercise again. There has been a response. You may not like the response but there has been a response.

Le Duc Tho: Actually your response does not meet our requirements.

Dr. Kissinger: That is a different thing. It doesn't meet your proposal. There are a lot of your responses that don't meet our requirements.

Le Duc Tho: [heatedly] Because if you give us a response to meet our requirement then we shall take into account your necessities too. [Dr. Kissinger laughs.] As regards the question of principles of ours, you said that you will take into account these questions, but actually you have not taken any account of these. You have not made any concessions on these questions.

Dr. Kissinger: I have a great deal of experience with the Special Adviser when there is an impasse, and I have also happily had some experience with the Special Adviser when he wants to break an impasse. The Special Adviser is a great debater. He is also a great negotiator. I have seen both of these sides.

Le Duc Tho: If you speak of breaking of the impasse, I have broken many times many impasses. It is now your turn to break the impasse. If you break the impasse, then there will be a breakthrough.

Dr. Kissinger: You have always been very generous in giving us the possibility of completely accepting your proposals. And we had a period when there seemed to be a great possibility of a settlement. But we made what we considered great efforts in the last week to ten days, and we are certainly prepared to listen to some counterproposals. But a procedure by which you simply pocket everything that we conceded and then increase your demands will not lead to a solution.

Le Duc Tho: It is your way of doing; it is not mine. You want us to take out of our pocket but, as for you, you want to pocket our concessions. If you review the whole process of negotiations since July, then we have made many, many successive proposals, then we had the breakthrough and we come to the agreement. And you have also made a number of efforts. But we have made all possible efforts. Now my pockets are empty now.

Dr. Kissinger: Mr. Special Adviser, let me understand precisely what you are saying. Are you saying that if we go back to the old agreement you will go back to the old agreement? Or are you saying in any event you will request the changes you are making?

Le Duc Tho: I mean that you should respond to our questions of principle and return to the agreement we have reached, because we stick to our questions of principle and these questions of principle should be respected.

Dr. Kissinger: What does that mean concretely? I have to explain it to the President tonight.

Le Duc Tho: It means that the agreement we have reached we would like to maintain the points we have agreed to, and as to the question of principles we insist on it. We can't change our questions of principles. If you keep the agreement as it was, we will keep it too, without any change to any word.

Dr. Kissinger: That means you also withdraw the changes that you made last week? Or are we talking about the situation as it stood last Thursday?

Le Duc Tho: The agreement we have agreed to with you previously—if you change any word then we will change any word too. The agreement we plan to sign on October the 31st. If you change any word in it, then we will, too, change it, including Article 8(c), including the question of personnel associated with the military tasks, and we will add anything else including the question of formation of the Council within 15 days.

Dr. Kissinger: You will not.

Le Duc Tho: Any new addition will be dropped. Even one word.

Dr. Kissinger: We have to keep Indochina time also? [laughter]

Le Duc Tho: GMT can be maintained. Because if you bring about changes then we shall too put forward changes too. But if you change no word in it, then we will keep the agreement as it stands.

Dr. Kissinger: We have explained to you the nature of the situation. We believe that with good will and a statesmanlike approach it would have been easy to end the war. I will transmit your suggestion to the President and we can discuss it tomorrow. And then we can see where we will be. I think I know what his answer will be, but we can study

each other's remarks and consider what has been said today and then we can have another meeting tomorrow, if you agree.

Le Duc Tho: I agree with you that we will study each other's statement today and we will meet again tomorrow. In order to settle the problems, as I told you, you should make a great effort; you should take into account our questions of the principles. Because when you respect our questions of principles and when you show good will in settling the problem, as I told you, we are most reasonable people.

Dr. Kissinger: I must tell you frankly that unless we find some other formula than the one you have proposed, it is not probable that we will come to an agreement tomorrow.

Le Duc Tho: It is up to you. Because we have our principles and now if we are asked to change our principles, we cannot do that. And you said also in your message that you will respect our principles. Because if you really respect our principles, as I told you, we will find out the way to settle the problem on the basis of respect for our principles. Whether a settlement or not is possible, this time this depends on you. We have made great effort.

Dr. Kissinger: I have told you for several weeks, Mr. Special Adviser, we do not accept the proposition that it depends only on us. We accept the proposition that it depends on both of us. We have made a very great effort, to the extent of gearing our whole policies to the expectation of peace. But I hope you do misjudge our situation. But I don't believe that any additional arguments we make will do any good.

So I suggest we meet tomorrow to review each other's position one more time. What time should we meet? 3 o'clock in the afternoon?

Le Duc Tho: I agree. You ask me not to misunderstand your situation. I would also say that you do not misunderstand our situation.

Dr. Kissinger: That is clear.

Le Duc Tho: Tomorrow until 3 o'clock. Tomorrow then we will come to your place.

Dr. Kissinger: Yes.

[The meeting adjourned at 6:32 p.m.]

34. Memorandum of Conversation¹

Paris, December 6, 1972, 10:40 a.m.–3:50 p.m.

PARTICIPANTS

Le Duc Tho, Special Advisor to DRV Delegation to the Paris Conference on Vietnam
 Xuan Thuy, Minister, Chief DRV Delegate to Paris Conference on Vietnam
 Nguyen Co Thach, Vice Minister for Foreign Affairs
 Phan Hien, Delegation Member
 Luu Van Loi, Delegation Member
 Trinh Ngoc Thai, Delegation Member
 Nguyen Dinh Phuong, Interpreter
 [Four Notetakers]

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 865, For the President's Files (Winston Lord)—China Trip/Vietnam Negotiations, Camp David Memcons, December 1972 [3 of 3]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at 31 Boulevard de la Saussaye, Neuilly-sur-Seine. All brackets are in the original. The tabs are attached but not printed.

On the day before this meeting, President Nixon sent Kissinger a message with instructions. He was not to go back to the October agreement, but was to follow a course that Kissinger and Nixon both felt would probably lead to a breakdown of the talks. That is, Kissinger was to insist that the agreement now be based on the changes negotiated in the November round. It should also include 1) a better translation of the term "administrative structure" so that the organization established by the agreement to implement the negotiated settlement could not be seen as a governmental structure and 2) a formulation that made clear that North Vietnamese troops in the South had no right to be there indefinitely.

Furthermore, Nixon's message continued:

"You should make the record as clear as possible in the talks that the responsibility for the breakdown rests with the North Vietnamese. You should make a clear record of the fact that they have reneged; first as to the meaning of the agreement on the political side by reasons of the translation problem and second because they have insisted on maintaining the right of North Vietnamese forces to remain permanently in South Vietnam."

In anticipation of the possible failure of the talks, Nixon also focused on the military option:

"Keeping the negotiations going with postponements, etc. is in our interest. In the meantime, however, you can assume that I will order a very substantial increase in military action against the North, including the use of B-52s over the Hanoi-Haiphong complex. I would be willing to order that tomorrow prior to the next meeting. I would like your recommendation on this. In any event we should have the whole salvo ready to go when the talks break down, if they do." (*Foreign Relations*, 1969–1976, vol. IX, Vietnam, October 1972–January 1973, Document 141)

In contrast, the Politburo directed Le Duc Tho to return to the October agreement as the basis for a settlement, telling him: "The points that were agreed to on 23 November are not good for our side." (Message from Politburo to Le Duc Tho and Xuan Thuy, 5–6 December 1972, in Doan Duc, et al., compilers, *Major Events: The Diplomatic Struggle and International Activities during the Resistance War Against the Americans to Save the Nation*, 1954–1975, volume 4, p. 355)

(Footnote continues on next page)

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
M/Gen. Alexander M. Haig, Jr., Deputy Assistant to the President for National Security Affairs

Ambassador William Sullivan, Deputy Assistant Secretary of State
Winston Lord, NSC Staff

John D. Negroponte, NSC Staff

David A. Engel, NSC Staff, Interpreter

Peter W. Rodman, NSC Staff

Mrs. Mary Stifflemire, Notetaker

Dr. Kissinger: [Referring to the wall mirror behind him] We have it set up so that you can read our papers. But you will catch pneumonia because you have the windows behind you. When this light blinks, Mr. Special Advisor, it means you are being too mean to me.

We are delighted, Mr. Special Advisor, to welcome you and your colleagues here and we hope that we make a big advance towards peace.

Le Duc Tho: If such reasons are your intention it is our intention to.

Dr. Kissinger: I wonder whether the Special Advisor would like to start the meeting.

Le Duc Tho: I leave the floor to you first. Because you will open up the way.

Dr. Kissinger: Well, before I do, Mr. Special Advisor, could I ask you a few questions about the presentation the other day? [Tho nods yes.] At the last meeting you read to us your proposal on Article 8 and we were not sure we understood it. There was some dispute among my colleagues and me just what you proposed. Could you read again exactly what language you were mentioning?

In summary, the negotiations seemed to have reached absolute gridlock. While Nixon instructed Kissinger not to return to the October draft agreement, the Politburo instructed Le Duc Tho to insist on a return to it.

Kissinger replied to Nixon's guidance several hours later:

"Assuming the negotiations do break off, here are my further thoughts on our course of action. We will have to take the initiative both on the military front, by drastically stepping up the bombing, and on the public relations front, by seizing the initiative with respect to explaining the negotiations. I should of course give a detailed briefing on the negotiating record which I will make as impeccable as possible from our standpoint before any breakdown. We have a strong case." (Message Haktō 13 quoted in *Foreign Relations, 1969–1976*, vol. IX, Vietnam, October 1972–January 1973, Document 142)

After the meeting, Kissinger filed the following report to the President:

"We held a brutal five-hour session this afternoon at our location. Both sides reviewed the present negotiating situation and essentially stuck to their positions. I again emphasized your willingness to make a settlement but only if we got the changes needed to undertake the necessary massive effort with Saigon. Their position remained essentially as it was on Monday, i.e., offering us the choice of returning to the October agreement or exacting concessions from us in exchange for any changes they would accept. All their proposed changes are unacceptable. At the end we decided to make one final effort tomorrow in which I told them we would present our absolute minimum conditions on a take-it-or-leave-it basis. Tho held to his position that there would be no changes in the provisions of the agreement, but that we could discuss 'details'." (Ibid., Document 144)

Le Duc Tho: Let me read this Article:

Article 8(c): "The return of captured military personnel of the parties shall be carried out simultaneously with and completed on the same day as the withdrawal of troops mentioned in Article 5 of this agreement. The parties shall exchange complete lists of the above-mentioned military personnel on the day of the signing of this agreement."

Article 8(b): "The return of captured foreign civilian personnel of the parties shall also be completed within 60 days of the signing of this agreement. The parties shall exchange complete lists of the above-mentioned civilian personnel on the day of the signing of this agreement."

These two provisions are similar to yours but we separated to make it clear.

Dr. Kissinger: Yes.

Le Duc Tho: The third provision, 8(c). This is the important provision. This is how we would like to formulate it:

8(c): "The two South Vietnamese parties shall return the Vietnamese civilian personnel captured and detained in South Vietnam covered by Article 21(b) of the July 20, 1954 Agreement on the Cessation of Hostilities in Vietnam. That is, they shall return all those who have taken part in any form in the armed and political struggle between the parties and for that reason have been arrested and detained during the war by one side or the other. The two South Vietnamese parties will complete the return in a spirit of national reconciliation and concord, with a view to ending hatred and enmity in order to ease suffering and reunite families. The two South Vietnamese parties will complete the return of the civilian personnel within 60 days of the signing of this agreement. The two South Vietnamese parties will exchange complete lists of Vietnamese civilian personnel captured and detained in South Vietnam on the day of the signing of this agreement."

Article 8(d) is the same as your former Article 8(b). No change.

Dr. Kissinger: Article 8(d).

Interpreter: Is the same as the former 8(b).

Le Duc Tho: So the disposition of the provisions there is no problem at all.

Dr. Kissinger: Could you read the whole article again, just so I can have it in my mind? In English is fine. I don't have to hear it in Vietnamese. I miss the nuances in Vietnamese.

Mr. Phuong: Article 8(a): "The return of captured military personnel of the parties will be carried out simultaneously with and completed on the same day as the troop withdrawal mentioned in Article 5. The

parties will exchange complete lists of the above-mentioned captured military personnel on the date of the signing of this agreement.

“(b) The return of captured foreign civilian personnel of the parties will also be completed within 60 days of the signing of this agreement. The parties will exchange complete lists of the above-mentioned civilian personnel on the date of the signing of this agreement.

“(c) The two South Vietnamese parties will return the Vietnamese civilian personnel captured and detained in South Vietnam covered in accordance with Article 21(b) of the July 20, 1954 Agreement on the Cessation of Hostilities in Vietnam. That is, they will return all those who have taken part under any form in the armed and political struggle between the parties and for that reason have been arrested and detained during the war by one side or the other. The two South Vietnamese parties will do so in a spirit of national reconciliation and concord with a view to ending hatred and enmity in order to ease suffering and reunite families. The two South Vietnamese parties will complete the return of the above-mentioned civilian personnel within 60 days of the signing of this agreement. The two South Vietnamese parties will exchange complete lists of Vietnamese civilian personnel captured and detained in South Vietnam on the date of the signing of this agreement.

“(d) The parties will help each other to gather information about the military personnel of the parties and civilian personnel of the parties missing in action, determine the location and take care of the graves of them so as to facilitate the exhumation and repatriation of the remains and to take any other such necessary measures as required to gather information about those still considered missing in action.”

Dr. Kissinger: There was some dispute in my group because some people thought you were dropping Article 8(c) altogether. It was my view that this was highly improbable. Because you did not actually read it last time.

Now let me ask you why you think those are not linked to each other.

Le Duc Tho: On what points?

Dr. Kissinger: You said to us last time that you were taking account of our views that they should not be linked together. The mere fact that they are in separate paragraphs does not mean they are not linked together.

Le Duc Tho: I have separated these into two different provisions to make it clearer, but if you would like to merge it into one single provision and say the return of captured military personnel and foreign civilian personnel of the parties it is all right.

Dr. Kissinger: As a concession?

Le Duc Tho: I have separated these.

Dr. Kissinger: But is it your idea that separating the provisions of a chapter means that they are not linked to each other?

Le Duc Tho: My intention is only to make it clearer to separate the captured military personnel from the captured foreign civilian personnel.

Dr. Kissinger: And also from the captured Vietnamese personnel. But is it not true—I am trying to understand—if there is any holdup in the release of one of these categories it will affect the release of the other categories?

Le Duc Tho: If we can reach agreement, then the return of captured military personnel of the parties, of captured foreign civilian personnel of the parties, and the return by the two South Vietnamese parties of captured Vietnamese civilian personnel—if agreement is reached the return of these categories will be carried out in the same time period.

Dr. Kissinger: And if there is any delay in one, will it affect the others?

Le Duc Tho: Because there is South Vietnam and North Vietnam. Therefore the return of the prisoners in South Vietnam, military personnel in South Vietnam, may affect the return of military personnel. [Mr. Thach corrects him.] In North Vietnam there is no effect at all. The military personnel captured in North Vietnam will be released without being affected by the return of other categories. But in South Vietnam there are two parties; the return of prisoners detained by one party affect the return of prisoners by the other party in South Vietnam.

Dr. Kissinger: Let me understand this. My mind doesn't work as fast as Vietnamese minds.

Le Duc Tho: [Laughs] You are complimenting.

Dr. Kissinger: My colleagues don't laugh. They believe it. The Special Advisor thinks if my mind worked as fast we would have settled two years ago.

You are saying each category is balanced against each other in that category. In other words the military personnel is balanced against military personnel, the foreign personnel balanced against foreign personnel and the civilian personnel balanced against civilian personnel—but if there is a hitch on one category it doesn't affect the others.

Le Duc Tho: For North Vietnam, as I told you, it will be definitely released, the prisoners. As for South Vietnam all the categories of prisoners should be released or returned in the same period of 60 days. If one side retained one of these categories the other side may retain some category. But I am convinced that if we reach an agreement and all the parties respect the agreement, then all prisoners would be released. What I am afraid is that after the agreement one side will violate the agreement and then the other side will—there is some trouble.

Dr. Kissinger: That is what I am afraid of, and that is why I want to understand what the consequences are.

Le Duc Tho: As I told you, once we have signed the agreement we will honor strictly the agreement. You will realize that. When we signed the 1954 Geneva Agreements with the French, after the signing of the agreement not one, not a single French prisoner, was retained in Vietnam. And probably you recall that there were at that time nearly 20,000 French prisoners. But on the contrary, the French at that time liquidated a number of our prisoners in their hands. This is a fact.

Dr. Kissinger: It still doesn't answer the question. I have no doubt, I am not questioning your willingness to carry out the agreement. There are four parties involved. My question is if any one of them violates the agreement, does it then mean that you will be free not to carry out your side of the agreement?

Le Duc Tho: Here the question is, when the agreement is signed then all parties have the obligation to abide by the agreement. If one side, one party, violates the agreement, how can it be forced to the other parties to abide by the agreement? But I should tell you as far as we are concerned we will abide by the agreement. It is something certain, provided that the other side will abide by the agreement too.

Dr. Kissinger: Which means in practice if there is some dispute between the two South Vietnamese sides, whose history of being able to agree on things has not been totally demonstrated, you will have the right not to abide by the agreement. If one side holds pickpockets and you say they are not pickpockets but political prisoners, that means that all other provisions remain in abeyance?

Le Duc Tho: To determine whether a prisoner is a pickpocket or a political prisoner, there must be evidence and there must be legal evidence.

Dr. Kissinger: That may be true. The key point I am making—to get it clearly understood, I am not disputing it—you are saying, one, of course you will carry out the agreement; and two, if any of the parties however does not keep the agreement then you too do not have to keep the agreement. It is not an unreasonable position. I am just trying to understand. Therefore you are saying the release of any prisoners is linked to the release of all the prisoners.

Le Duc Tho: Naturally there are four signatories to the agreement, and it is agreed that all the prisoners should be released. Therefore the four signatories should insure that all prisoners be released. As for North Vietnam, we insure that all the prisoners will be released, but in South Vietnam the two parties should also insure the release of all prisoners. In South Vietnam the release of prisoners is under the responsibility of the two South Vietnamese parties signatory to the

agreement. But you, the United States, has also the responsibility in insuring these prisoners to be released.

Dr. Kissinger: Yes, I understand. So this links all four provisions of Article 8 to each other.

Le Duc Tho: For North Vietnam there is no problem. We will release all the prisoners simultaneously with the withdrawal of U.S. forces. There is no link at all between the release of such prisoners with the release of prisoners in South Vietnam, between the two South Vietnamese. This is also a fact, that we take into account of your problem. We do not want to link the question of prisoners in North Vietnam, detained in North Vietnam, with the question of civilian prisoners of the two South Vietnamese parties and military prisoners in South Vietnam.

Dr. Kissinger: According to our calculations there are 108 American prisoners of war in South Vietnam held by the PRG and there are 495 missing in action. How are they affected by these provisions?

Le Duc Tho: The prisoners, military or civilian, captured and detained by the two South Vietnamese parties, they have to be released completely.

Dr. Kissinger: I understand, but . . .

Le Duc Tho: Let me finish.

Dr. Kissinger: Excuse me.

Le Duc Tho: As to the parties will help each other in getting information about military or civilian personnel missing in action, that is no difficulty at all.

Dr. Kissinger: I understand that. The question is, we believe there are at least 108 which we know are held as prisoners by your allies in the south and there are 495 missing in action, at least some of whom might be held as prisoners. Since we foresee there will not be complete unanimity between the two South Vietnamese parties, based on what historical experience has been with prisoners, how is the release of the American prisoners affected by the failure of the two South Vietnamese parties to agree as to who constitutes a civilian prisoner?

Le Duc Tho: The lists of prisoners of war will be handed to you at the signing of the agreement. As to those who are missing in action, they are missing in action. But those who are being detained, then at the signing of the agreement there will be a list that will be handed to you. There cannot be any case of missing in action and really being detained by us.

Dr. Kissinger: Not to Cora Weiss.

Le Duc Tho: After the settlement the prisoners will be returned to you.

Dr. Kissinger: To the U.S. government, for a change?

Le Duc Tho: Of course [laughing].

Dr. Kissinger: We don't want to interrupt well-established procedures but we have better procedures the other way.

Le Duc Tho: [Laughs] Because if the prisoners would not be returned to the U.S. government then there would be a violation of the agreement. But when we sign the agreement we will never violate it.

Dr. Kissinger: Let me ask another question, which is still not clear to me. The Special Advisor said that North Vietnam will of course carry out its agreement and that this is independent of whatever happens between the South Vietnamese parties. However your South Vietnamese allies, according to our calculations, are holding 108 American prisoners. That leaves aside any missing in action. Now you cannot guarantee their release, can you?

Le Duc Tho: We think that once the agreement is signed then we will implement the agreement as the other parties.

Dr. Kissinger: I know. I am not questioning the good faith of the Democratic Republic. I am asking this question, trying to understand your Article. And I don't want to mislead you about our accepting your Article; I am just trying to understand it. What you are saying is, one, there are separate obligations in the Article; two, the Democratic Republic will absolutely carry out its obligations as they are balanced off in the Article. Therefore you are saying Americans will be released even if there should be difficulties between the South Vietnamese parties. But you do not hold all the American prisoners. Some of the prisoners are held by the South Vietnamese.

Would you like us to close the window? We thought if we could freeze you enough you would agree to our proposals. [Laughter] Since you come from a warm climate. You see, your colleague to your left doesn't have four years behind him. He is still full of energy. He has to go four more years. [Laughter] You shouldn't bring reinforcements.

Le Duc Tho: But I am afraid he is not as strong as I am.

North Vietnam is detaining American military personnel. As you said, South Vietnam, the PRG, is holding a number of American personnel. As far as North Vietnam is concerned, as I told you, after the signing of the agreement the release of American military personnel will be carried out simultaneously with the withdrawal of U.S. forces. But in South Vietnam the PRG will release all American personnel in their hands being detained by the PRG. But here there is some relationship between the responsibility of the United States regarding the release of civilian personnel of the PRG being detained. The PRG would like that the U.S. will fulfill its responsibility to insure that the Saigon

people will release both the civilian personnel of the PRG. Then the PRG will release all the prisoners, American prisoners as well as Saigonese prisoners.

Dr. Kissinger: Let me sum up. You are saying that the PRG for its part will release all American military personnel as regards Article 8(a) and all foreign civilian personnel as regards Article 8(b), regardless of what happens with regard to Article 8(c).

Le Duc Tho: American personnel, military personnel, being detained in North Vietnam will be released simultaneously with the withdrawal of the U.S. forces. But at the same time military personnel captured and detained in South Vietnam by the parties should be released also within the same period. American military personnel captured in North Vietnam will have no link at all, will be released independently of Vietnamese civilian personnel in South Vietnam.

Dr. Kissinger: I understand. I am just summing it up to make sure I understand. With respect to foreign civilian personnel—they don't hold any, do they—whatever foreign civilian personnel you hold, they will also be released independently of what happens in South Vietnam. With respect to military personnel.

Le Duc Tho: Right. In North Vietnam.

Dr. Kissinger: In North Vietnam.

Le Duc Tho: Civilian.

Dr. Kissinger: And military.

Le Duc Tho: Civilian personnel being detained in North Vietnam.

Dr. Kissinger: Foreign civilian personnel.

Le Duc Tho: Foreign civilian personnel being detained in North Vietnam, and military, is not linked to the Vietnamese civilian personnel detained in South Vietnam—is not linked to the Vietnamese civilian personnel detained by the two South Vietnamese parties.

Dr. Kissinger: It is not evident from your draft, but I am beginning to understand.

Le Duc Tho: The provision is not written technically, but understood with explanation.

Dr. Kissinger: Now let us turn to Article 8(c)—your 8(c). With respect to Article 8(c) the release of the civilian personnel—you maintain that the United States has the responsibility to use its influence to make certain that provision is carried out correctly in South Vietnam.

Le Duc Tho: Regarding Article 8(c), the two South Vietnamese parties have obligations to return the prisoners in their hands. But of course the U.S. has the responsibility to insure that such prisoners be released within 60 days.

Dr. Kissinger: Right. Therefore—I am trying to understand your position—if there should be some difficulty . . . therefore the release of American military personnel and American civilian personnel held by the Provisional Revolutionary Government depends to some extent on the ability of the United States to influence the Saigon government to carry out the provisions of Article 8(c).

Le Duc Tho: Right.

Dr. Kissinger: All right, I understand this point now.

May I ask the Special Advisor another question? When we met on Monday morning the Special Advisor said that he had expected me to discuss with him his proposals of last Thursday [November 23]. And also in the communication to us of the DRV of last Thursday [November 30], of the Thursday before and the Thursday after, the DRV said the Special Advisor made a very significant proposal which could open the way to a solution. And I wanted to understand just what the Special Advisor thought the significance of the proposal was. I am not debating it, I am just trying to understand what its significance was.

Le Duc Tho: What is my intention here? Regarding Article 8(c), if the two South Vietnamese will return the civilian personnel in accordance with Article 21(b) of the Agreement on the Cessation of Hostilities of July 20, 1954 within a period of 60 days, then we will agree with the PRG to redeploy a symbolic redeployment of a number of its armed forces in the extreme north of South Vietnam so as to reduce the tension in this region. The return of mentioning Article 8(c) in the agreement and thereby implementing Article 8(c). It should have been that the release of civilian personnel by the two South Vietnamese is something obligatory, that the two South Vietnamese have the obligation to carry out the obligation. It is something fair. But we know that on this question you have difficulty because you have agreed this with us, and you have divulged or you have published this. Therefore we are willing to make this understanding, to facilitate this question. There is the reason why we make this understanding.

Dr. Kissinger: What do you consider a symbolic number?

Le Duc Tho: How much do you like?

Dr. Kissinger: I gave you a . . .

Le Duc Tho: You want a big number; I want a small one. How shall we settle this question?

Dr. Kissinger: No, I gave you what we count . . . Even we don't know what you are talking about if you just say a symbolic number.

Le Duc Tho: Some number—certain number. There should be a number.

Dr. Kissinger: That is right. Well, I gave you a number the other day.

Le Duc Tho: [Laughs] It is too big a number. Because we are approaching the settlement we should be realistic.

Dr. Kissinger: I don't have the impression we are approaching a settlement, but . . .

Le Duc Tho: Therefore your number is too big and our number is too small.

Dr. Kissinger: I haven't even heard your number yet.

Le Duc Tho: But what is important is whether you agree to our proposal. After that there will come the number. Because if you reject the proposal then the number does not arise.

Dr. Kissinger: I told the Special Advisor once about the man during the war came to the military and said the way to deal with the submarine problem is to heat the ocean and boil them to the surface. And they said, "How do you do that?" He said, "I gave you the idea. How you do it is up to you."

Le Duc Tho: [Laughs] Too many anecdotes!

Dr. Kissinger: So the Special Advisor is saying, "I have given you the idea; now how you carry it out is your problem." Like the Minister. For three years the Minister was brutalizing me by telling me, "Set a date, set an unconditional date. As soon as the date is set everything else will follow easily." And the Minister had three magnificent speeches on this subject which he would give in succession, sometimes all in the same day.

Xuan Thuy: We had a proposal to fix a date but you did not respond to this proposal. Now let us pass over this fixation of dates. Now let us do our work.

Dr. Kissinger: We settled that issue in a more realistic way, perhaps due to my inability to understand the subtlety of the Minister's presentation. Although I learned one anecdote which I will use on other occasions for the Minister. About the "Free Meal Tomorrow!" [Laughter] So it is not that it was completely wasted.

Le Duc Tho: But actually as a result of this that we are approaching a settlement now. Now let me say this. We have made a concrete proposal. Now in return of Article 8(c) being written in the agreement we have proposed redeployment of a number of forces. Do you agree to that?

Dr. Kissinger: The issue of the release of prisoners, of civilian prisoners, has for us two aspects: One, its impact on the release of American prisoners. Second, its impact on our ability to convince our allies to accept the agreement. I have already stated my view with respect to the first. Let me state my view very clearly as a general principle with respect to the second. It is no secret that there are some

disagreements between our allies and ourselves with respect to the draft agreement. And we will even admit that we underestimated the extent of the opposition of our allies to the agreement even as it stood. It is also true that you had a certain advantage over us at the October meeting. This advantage was two-fold: You had time to prepare your position, but we had to improvise our response. You had time to consult your allies; we did not.

Le Duc Tho: It is not what you think, because we have also difficulties with our allies.

Dr. Kissinger: I even believe you. It would be easy for me to do what you are doing to us, but I believe you are right. But at any rate, what is our problem now? I have tried to say it indirectly. I will say it now directly. Even the agreement as it stood, together with the changes that we agreed to last week together with a few changes we are seeking for this week, would require the most massive American effort to implement. It would involve the strongest measures and the full authority of a President newly elected. I am talking reality now, I am not negotiating, and you should understand this reality.

Now you are asking us, as the result of a negotiation, to go back to Saigon with an agreement that is already considered unacceptable in Saigon and to make two changes: One which would paralyze all complex military equipment—because you know as well as we do that they do not yet have sufficiently trained personnel to maintain some of the more complex technical equipment. Even you had Soviet radar technicians in the Democratic Republic when you first received complex radars. I am talking reality now. I am not going to publish this. So if we really want to settle, we have to face reality. The second change you are asking of us is that the Saigon Government should release 10's of thousands, maybe, of individuals that they consider have conducted armed struggle against it. I don't know whether that is true, but that is their perception of the problem.

Now what is the position of the President? I am giving you first the theoretical position of the President, and then we can discuss the practical one. First, the political reality is that he was reelected with the largest majority in American political history against a candidate whose platform was to destroy the Saigon Government. The President's platform was to make an honorable peace. I am now talking American political reality. You can disagree with it completely but I am giving you our facts. I am sure you have your political realities in Hanoi, and they may be as compelling for you as ours are for us. You have one advantage: you have only one newspaper! And we have not yet met the North Vietnamese Cora Weiss. [Laughter] But if you send her we will give her back three prisoners too. [Laughter]

Le Duc Tho: But it is regrettable that you are holding no North Vietnamese prisoners in the U.S. because Vietnam has never sent troops to the U.S.

Dr. Kissinger: A friend of mine wrote me a letter—your telling me about the prisoners—he said we should say there is no Negro problem in the south because there are no Negroes; there is only a so-called Negro problem. [Laughter]

Le Duc Tho: In any case there is a different color of skin between Negroes and you. But in our two country, in Vietnam we are all one people. There is no difference, and all Vietnamese have the same skin color. Therefore you can't say anything about it! [Laughter]

Dr. Kissinger: I will think of an answer. It may take four years of negotiations! Let me go back to the reality, then I will eventually answer your question, Mr. Special Advisor.

What is the position that we have taken with the Saigon Government? The Saigon Government has made a series of proposals to us whose objective consequence, in our judgment, would be to change totally the character of the agreement we achieved in October. The President has taken the position that if we can obtain an agreement here that we consider reasonable, we will go ahead with that agreement regardless of the opposition of Saigon. He has also indicated that in that case the whole character of our relationship with Saigon would have to change. Now this is a very big decision for the President. Given the nature of his victory, given the nature of his constituency, and given the undoubted criticism to which we will be exposed if even the agreement we had already achieved, say until last Thursday noon, should become the official agreement.

So you are totally wrong in your assessment that what we are trying to do is so to strengthen the Saigon Government that it can destroy the PRG, or to use these negotiations as a trick in order to defeat you. I assure you that if we maintain all the changes that were made two weeks ago and added to them all the changes we proposed on Monday, we would be in a mortal crisis with Saigon anyway. We have said to Saigon, we have said publicly, and we will now say to you; we will not give Saigon a guarantee of victory. But neither can we make an agreement which gives your side a guarantee of victory. What we want is an agreement which gives the real political forces in Vietnam an opportunity over a period of time to develop, so that the Vietnamese people over a period of time can determine their destiny.

I told the Special Advisor on Monday, and I repeat it here, that if we come to an agreement in these sessions we will immediately send the Vice President to Saigon in order to lend the strongest weight to the implementation of this agreement. And as you know, the Vice

President is the special favorite of the American conservatives. Although I notice the Special Advisor recently quoted him approvingly. [Laughter] We are taking his speech writers away from him now. [Laughter] We are making General Haig write all his speeches.

Le Duc Tho: Then you mean that Vice President Agnew did not read the speech before reading it? [Laughter]

Dr. Kissinger: In an American political campaign you have no idea of what people say. The truth is, it was translated from the German just five minutes before he delivered it. [Laughter]

Le Duc Tho: So this is why I say that you did not match your deeds with your words.

Dr. Kissinger: So this is our strategy. Now you think we are trying to take unilateral advantage of you.

Mr. Phuong: Strategy or tragedy?

Dr. Kissinger: Strategy, not tragedy. It is also our tragedy! [Laughter] You say we want to get some unilateral advantage. But we are realistic. The Special Advisor himself said on the last Saturday we met that the changes we have so far agreed upon are not significant. I agree with him. They are elaborations and specifications of clear implications of the previous agreement. And the additions that we are still talking about are not substantially different in character. They would, however, enable us to discharge our moral obligations. They would enable us with good conscience to do the extraordinarily difficult thing of achieving an agreement and implementing it. So if peace is your real objective, we are really partners in this enterprise, and you should not look at what we are asking for as an attempt to put you at an additional disadvantage. We can write down anything, but if it isn't implemented and if we cannot in good conscience implement it, it will be senseless.

Let me say one other general thing, then I will respond to the Special Advisor's question. There is a great deal at stake in these negotiations, and in this meeting and the next one. First, if the negotiations break down of course the war will continue—and probably intensify. But we have talked about that. And you have proved your courage often enough for me not to say that I know what the outcome will be. And we have enough experience with you to know that you will not be intimidated.

But let me make clear the political implications if it breaks down. If these negotiations break down, the only conclusion we can draw is that we cannot discuss Vietnamese matters with the Vietnamese parties because the hostility is so great that any reasonable compromise will be impossible. We will then have to return to the position that Vietnamese political matters are out of our competence—out of the American competence—and therefore not only will the war change its character but

our negotiations will totally change their character. And we will not be prepared to discuss this kind of an agreement again. We may make another one, but not this kind of an agreement.

Now I have talked to you in this frank and direct manner because we will probably spend the rest of our day discussing specific clauses. But it is important for you to understand what we are trying to do. We want to preserve the essence of this agreement. We want some specifications and some elaborations, the greater part of which we have already achieved. And we need the minimum of change that we consider consistent with our moral principles to do the enormously difficult and painful effort that will be required to bring along our allies in Saigon. We are not here as their spokesmen.

Now look at Article 8(c) in this context, and now I answer your question. The objective consequence is: you refuse to withdraw the so-called North Vietnamese forces—and they are so-called North Vietnamese forces because they are North Vietnamese forces. Either that or you are a nation of pacifists and don't have a single soldier on your soil, and I don't have that impression. In fact one of my colleagues said to me the other day when you said that North Vietnam . . .

Le Duc Tho: Then you misunderstand the origin of the war in Vietnam.

Dr. Kissinger: No, I understand it very well.

Le Duc Tho: We want peace.

Dr. Kissinger: I understand your problem. I want you to understand ours. When the Special Advisor the other day said North Vietnamese soldiers when they are demobilized can go anywhere they want to, he said they seem to have demobilized their army and they all seem to want to go to Laos and South Vietnam.

Le Duc Tho: [Laughs] They will go to the place of their choice.

Dr. Kissinger: [Laughs] That is what I mean! Maybe we should write into the agreement that there cannot be any demobilization of the North Vietnamese army, and since the North Vietnamese army never leaves North Vietnam we will be in good shape. But let me go back to the problem we face, and I am really talking to you in a very open way. You will not settle the question of the so-called North Vietnamese army in the south. You will not agree to a provision that at least establishes a principle of non-intervention. And then you are asking that, as the result of the negotiation, an agreement that even previously was unacceptable we should impose on our allies, and that now adds tens of thousands of additional enemies to their opposition in the south. Now how can the President justify this? How can the President justify that we emerge from a negotiation with changes that

bring about no substantive alteration in your obligation, only elaborations of existing ones, but we totally give up one of the few principal obligations you had assumed, or one of the few possibilities that existed for a real negotiation between the two South Vietnamese parties?

Now there is another inequality. The release is a legal obligation; the redeployment is an understanding not written down anywhere. Now the two have not the same legal significance. Still, if it were clear—just to take an extreme case, which I am not proposing—if it were clear that all of the so-called North Vietnamese forces were to leave South Vietnam, I can assure you that we would insist at any cost on Article 8(c) as you want it. We could not then justify for South Vietnam to maintain one political prisoner in jail under those conditions. I am giving you the theoretical problem. If the number is large we still have an argument. If the number is very small then the thing becomes an absurdity. Therefore we have proposed that we maintain the old Article 8(c). But I would add to it an understanding—which we have even written out—in which the release of the prisoners is tied to a redeployment of some of the forces. Now the Special Advisor has . . .

[They ask Engel to repeat. Tho and Thach confer.]

The Special Advisor has said that I already pointed out to Minister Xuan Thuy on the 17th [of October] that we would use a maximum influence, and therefore he asked me last time what would an additional understanding add to what we have already promised. It is a very good question, and as I have said to the Special Advisor privately, the next time if in this Administration we go to war we will pick an enemy with less endurance and less able negotiators. [They smile.] You remember we inherited you. But it is a very good question. Let me answer it.

Maximum influence is an abstract phrase. And we can use maximum influence and fail. Because there can be honest disagreement, and there can even be dishonest disagreement. What this understanding would do is to provide a precise criterion against which to measure the precise degree of influence which has to be exercised. [They ask Engel to repeat.] And therefore its practical consequence, except for the 90-day period, can be very close to the practical consequence of your paragraph 8(c).

So my answer to you on your 8(c) is, if you want to proceed by means of the understanding that you have proposed, the number would have to be quite large and even then the outcome would be quite uncertain. If you want to proceed by the understanding we have proposed, we do not have to settle on the number here. And may I read you—I will read you in a minute our . . .

Le Duc Tho: Then your former Article 8(c) will be kept?

Dr. Kissinger: With this understanding. [They confer.] But let me read this. We have two problems. We have all the specific provisions which will occupy us, I guess, for the next several hours. But we have also the problem of understanding. With respect to the problem of our purposes and our objectives, I told you our absolute truth, and there are no other hidden motives. With respect to the practical solutions we will of course discuss. But we will never come to a conclusion if we turn this into a test of strength between you and us, and if you think that we are now trying to take an advantage of you. We were very impressed by the spirit you showed in October. I don't mean you personally, but your government. We would like very much to use that as the basis of our future relationship. We will never come closer to an agreement. We will never again be able to make this kind of an agreement, no matter how long we fight and no matter how much we inflict on each other. As I said before, if the war continues now, it will be ended by another kind of agreement. Whatever time it takes.

So it isn't surprising in a war that has lasted so long that in the last stages we would encounter all the suspicions again that produced the war in the first place. The Special Advisor himself pointed that out to me in October. But we are quite literally at a crossroads. If we settle it now, then we can have not only peace in Vietnam but an entirely new relationship between our two countries. We have made enormous efforts in that direction since October, and if we fail now, then it will simply mean that conditions can never exist for this kind of a settlement and no amount of war can change that fact.

Let me read you the understanding which we are proposing for our Article 8(c). But please consider what I said practically as well as what I said theoretically, because they are both very important. The understanding that accompanies 8(c)—our Article 8(c), not your Article 8(c). Of course you can solve the problem of your Article 8(c) by giving me a very large number. [Tho laughs.] Going up on the Ho Chi Minh Trail [laughter]. Or they only go one way [laughter]. They have signs on the side of the road, “sens unique.”

Le Duc Tho: One way, and southward.

Dr. Kissinger: That is right.

Le Duc Tho: Because it is a narrow road. [Laughter]

Dr. Kissinger: Of course, if you understood American psychology you would realize that three years after an economic aid program we would probably pave the road, make it four lanes, and ease everything afterwards. [Laughter]

The only thing is, we would probably put toll booths on the road and charge a fee for using it.

All right. The understanding on Article 8(c) [reading]: “It is understood that, immediately upon signature of this agreement, the Govern-

ment of the Republic of Vietnam will release a significant number of the civilians currently held prisoner in South Vietnam." We will give this to you. "And simultaneously, a significant number of the troops which are currently located in the northern part of South Vietnam and which oppose the forces of the Republic of Vietnam will be redeployed. During the three months following the signature of this agreement, the two South Vietnamese parties shall arrange for subsequent simultaneous actions under which additional numbers of civilian detainees will be released in direct numerical ratio to the troops demobilized by both sides. The numbers to be involved in the aforesaid transactions and the numerical ratio of civilian releases to military demobilization will be agreed in discussions to be held by the two South Vietnamese parties." [He hands copy, Tab A, to DRV side.]

Maybe we should take a little break now, because I understand we have some warm food.

[Mr. Phuong reads again, translating copy handed over.]

Maybe we should take a little break now, because I understand they have some food which will get cold.

Is the Minister making nasty comments again?

Xuan Thuy: We will discuss it later.

Dr. Kissinger: Ambassador Porter is eagerly waiting for you tomorrow.

[The meeting broke for lunch at 12:58. Chinese food was served. The meeting resumed at 1:56.]

Dr. Kissinger: I made one of my 50-minute Harvard speeches before the break, so I think the Special Advisor can now speak.

Le Duc Tho: We can say that we as well as you now want a peaceful settlement of the Vietnam problem. Therefore of late we have made very great efforts as you know. You too have made efforts.

Dr. Kissinger: Give us an adjective too, just for symmetry.

Le Duc Tho: You have also made efforts [laughter], and therefore we have reached an agreement, and then President Nixon himself accepted that the agreement was completed and was satisfied with the further explanation we gave. When I say this, "great effort" and "effort," there is some fairness in it.

Dr. Kissinger: We have not yet agreed on this proposition. Nor on the historical account completely. But as somebody said, most wars are fought about who is going to write its history.

Le Duc Tho: As you know we have published the agreement. And you have acknowledged that the publication was correct, and you too have published a number of items in it. Therefore it would be difficult

if both sides tried to change the agreement. You have your honor; you have responsibility toward your country. We too have our honor and we have also responsibility toward our people, toward our fatherland. Indeed you have difficulties and you have some divergencies with the Saigon people, we know that. But actually we too we have difficulty with regard to our allies. Over the past four years we have been constantly demanding the replacement of Nguyen Van Thieu and now we drop this demand. It is not that the PRG agreed to that immediately. This is a fact. And it is also a fact that not every South Vietnamese agrees to our proposals, agrees to our proposal that we drop the demand to replace Nguyen Van Thieu. Even as to the members of the International Commission, the membership of Indonesia we have agreed with you, but it does not mean that the PRG is agreed to it. Madame Nguyen Thi Binh held two press conferences to oppose that, and the PRG have raised the question of replacing Indonesia as a member of the International Commission but we have not yet told you that. [Laughter] The PRG also utterly disagree to the agreement regarding the civilian prisoners, even regarding the question of Cambodia and the question of Laos. We are agreed with you as reflected in the provision of the agreement regarding the problem of Cambodia and Laos. Lon Nol welcomed this provision. Lon Nol welcomed the provision, but Mr. Khieu Samphan, the Defense Minister of the Royal Government of Cambodia, made the statement that the Paris negotiations cannot go over the shoulder of the Cambodians, so he was alluding to us that we should not settle the problem and interfere in their internal affairs in Cambodia. Prime Minister Souvanna Phouma said that the ceasefire can take place in Laos within 15 days, and then the Patriotic Front of Laos sent us a message to ask us whether we have said so to you in the negotiations.

Dr. Kissinger: Incidentally, we did not say this to him. This was his own idea.

Le Duc Tho: I tell you this to mean that among our allies with us there are also differences. Even among Communists, sometimes they have big differences and divergencies.

Dr. Kissinger: [Laughs] Yes, I have experienced that on my travels.

Le Duc Tho: So we have also difficulties. So we are aware of your difficulties. We partly realize them. But you should realize our difficulties too. And that is why when an agreement is reached if one party asks for modifications then the other party will do the same and will ask for changes. If you ask for big changes, we will also ask for big changes. If you ask for small changes, we will do the same and ask for small changes. It is something necessary for each party, and it is some fairness when we do that. It cannot do if one side can ask for

changes and the other side will accept the changes. It cannot do. So changes come after changes. How can we complete the agreement then? Moreover each side has its own principles and it cannot be changed because it has been agreed to between the two parties. For instance, Article 8(c), you can't change it, and as for me, the question I have raised to you I can't change that too. The questions contain real difficulties.

We want a peaceful settlement of the Vietnam problem like you. How shall we get out of this deadlock? It is a problem, and we should be realistic to solve it and to meet the real, the practical difficulties.

In our view there are two ways to do. First, either we will return to the agreement we have agreed to, both sides have agreed to, and respect the provisions agreed to, and we will change the details which does not relate to the substance of the agreements. Or secondly, both sides will ask for changes. You will ask change for one point, I will ask change for another. And if changes are asked for, then we have to discuss again a number of questions. And each party has its principles and its stand. Then the discussions may drag on, and it will be difficult. This is the two ways of doing I have in mind.

Therefore in my view the best way is to maintain the questions of principle, the basic questions of the text of the agreement which the two parties have agreed to. We can propose changes for the details not relating to the substance, and we will have a number of unilateral understandings for a number of your problems. So of these two ways whichever you choose we are prepared to do that. But to my mind the best way, the most rapid way, is to maintain the basic essence, the substance of the agreement. As President Nixon said, when the correct agreement is ready he will not sign it one day later. When the agreement is not a durable, a lasting one, then he will not rush to sign it. This sentence can be applied to us too.

Dr. Kissinger: He did not think this was durable.

Le Duc Tho: If a correct settlement is reached, then, only then do we sign it. And if the agreement is correct we will not be late by one minute to sign it. So we will be faster in signing it than President Nixon.

Dr. Kissinger: I caught that nuance. You are beating him by 23 hours and 59 minutes. [Laughter]

Le Duc Tho: Because if the agreement is correct we will sign it immediately. So there is two ways of negotiating now. Whichever way you choose, we are prepared to do that. But I always would think that the most rapid way is to maintain the basic things of the agreement, and we will change only the details not relating to the principles. Of course we should make an effort to come to an agreement.

Naturally there are two possibilities: whether we can reach a settlement, whether we will not reach a settlement. But we should make an

effort, utmost effort, to come to the first possibility. Whether we can have the first possibility, greatly it will depend on you. Both of us, you and we, want peace, beneficial to both sides. If you can settle the Vietnam problem then by this agreement then you have achieved one of your most basic requirements. Because by such an agreement you can withdraw your forces, you can end your involvement in the war, while you can maintain the Saigon Administration, you will not have to accept the three-segment government, Nguyen Van Thieu will remain in place, moreover American military personnel can be brought home. So the agreement has opened the way for you to pull out from Vietnam honorably.

Now what do you want further? If the war continues, you have no other objective than those you have achieved through the agreements. As I share your views when you said the other day that you have no objective if the war is continued because all your objectives have been achieved. If you push your demands too far, then the problem cannot be solved and the war will continue. And the continuation of the war will bring no interest to you. It will bring only losses. It is something evident too. Because when peace is restored then the situation in the United States will be stabilized. You will be able to engage in economic construction in South Vietnam. You will establish a new relationship with North Vietnam and you will participate in the economic construction of North Vietnam. And the relationship between the two countries will be put on a new basis beneficial to both sides. And with the settlement of the Vietnam problem it will facilitate the development of your policy in other international questions, as far as you are concerned.

As for us, we have been experiencing 27 years of war. And there is not any oppressed people who have achieved so many successes as we have done. But also there is no oppressed people who have suffered more destruction than our people too during the war. We too want peace to reconstruct our country. It is something evident too. So with the restoration of peace we have the advantages I have told you. Moreover we will have established relationship with other countries in the world including the United States, and we will establish relations in our national reconstruction too.

Now for the time being our political objectives have been reflected in the concrete provisions of the agreement. We are not demanding anything more than that. But at the same time we can't lower our demands below what has been reflected. If these objectives cannot be achieved for our vital interest, for the vital interest of our people, our nation, we will have to continue our struggle. It is an objective necessity. You want peace. We too, we want peace. We should understand each

other's requirements, each other's difficulties, in a realistic way and objective way. When we put out our October 8 proposal we looked into the real situation. We are realistic in making that proposal to allow you to pull out of South Vietnam honorably. And you should also realize our legitimate requirements and to bring about a correct solution. What I am telling you is not an ultimatum. But it is the fact that we have come to the limits which we can't go beyond. It is not our intention to have to create some serious or some grave situation between you and us.

Settlement is possible or not. We have done all possible efforts. If no settlement is possible, then it is beyond our subjective intention and desire. It is not us who have created such a serious situation, but really the responsibility lies with your side. Therefore if a settlement is to be found to the problem, both sides should adopt a very serious attitude and make the utmost efforts and respect the points on which the two parties have agreed to.

We are prepared to leave your former Article 8(c). We are willing to leave the question of the withdrawal of civilian personnel associated with military service. We only demand that the point we have raised you will keep it too. Besides these two questions, if there are some other questions of detail we may discuss. Only in this way can we settle the problem, because we have our principles, you have yours. If we want to propose changes to your questions of principle you will not agree to that. If you ask for changes to our questions of principle we will not agree to that, and no settlement is possible because these are very great questions.

I have heard your statement regarding Article 8(c). You have discussed this question with me and on October 17 you discussed this question with Minister Xuan Thuy. At that time, on October 17, you said that you will have an understanding that the United States will use its maximum influence so that the Saigon people will release the greater part of the civilian personnel it detains within two months and the rest will be released completely in the third month. But now you put forward new conditions. On November 21 you said that if there is a satisfactory redeployment of forces then the civilian prisoners will be satisfactorily solved too. But now you put forward new conditions. You have said that the number of civilian prisoners will be released proportionately to the number of troops redeployed and the additional number of civilian personnel will be released in the same ratio as the troops being demobilized. So if we compare your proposal today and with what you have agreed to previously, you have added new conditions. I think that if we negotiate in such a way no settlement is possible.

On the points we have agreed to, at the next meetings you will ask for changes to what your previous statement, and the changes you

propose always bring about more further the level of your requirements. And if we review what I have put forward to you I have never raised the level of our demands.

Dr. Kissinger: It is hard to do. I have told the Special Advisor that when he moves from the impossible to the intolerable he treats it as a concession. If we had started demanding the resignation of Prime Minister Pham Van Dong we could now treat it as a concession that we don't ask for it any more.

Le Duc Tho: But when I put forward that we no longer ask for the resignation of Nguyen Van Thieu you yourself admitted that it was a concession.

Dr. Kissinger: It was a concession. I won't make a debating point. It was a concession. It only got us where we should have started. It is not easy to convince a government that it should accept an agreement that begins with its overthrow.

Le Duc Tho: Let me speak about Article 8(c). We do not put any further demands. We know you have difficulty on this subject. Therefore we have thought out a formula to settle the problem. But if you disagree then we will leave it that way and we maintain your commitments. I think that you raise the proposal, but you put new conditions. It will make the settlement more difficult. Therefore I think that the best way of doing is to maintain what we have, the questions we have agreed to, and we will discuss on the points of detail. We maintain the provisions we have agreed to and we will discuss on the changes of the details. But on the contrary, if you insist on the changes you have proposed we will do the same and we will insist on the changes we propose, the questions of the provisions of principle, then no progress can be made.

I think that then the best way to remove the roadblock, to get out of the deadlock is what I have proposed. Because if we insist on the changes to Article 8(c) and we insist on the withdrawal of civilian personnel associated with military branches, then you will disagree to that, but at the same time if you insist on the changes you propose we will disagree too and no settlement can be reached. This is something practical. I do not mean an ultimatum at all. It is the actual situation, the real situation. You will not accept the changes to Article 8(c). We know you have difficulty, and we too have difficulties on this provision too. But if you keep the other provisions we will keep 8(c) as it was. And if you keep the other provisions we will propose you to keep the provisions as it was.

I know that [if] Article 8(c) is left as it was in the agreement, the people of South Vietnam population and the PRG will never agree to that. You should know this difficulty of ours because this is a very

great political question to us and a sentimental issue too. I have explained at great length to you. But in order to enable the prompt signing of the agreement, I agreed to leave as it was.

We know that you have tens of thousands of civilian personnel in South Vietnam. If you agree to keep the provisions we have proposed as it were, we will drop even the question of American civilian personnel associated with military branches. It is also a very great question for us. Because once the US withdraws its forces from South Vietnam no American can be left in South Vietnam behind. We know that. Everyone should be withdrawn. But since we have agreed with you we will allow it to be left behind. So what we demand is that you will maintain also the provisions we have in mind. It is a fair reciprocity.

These are two big questions for us. It is obvious that we want the settling, in such a way that the agreement can be signed. No other demand. And to sum up, these are two very big questions for us, particularly the question of 8(c). But now you want to keep 8(c) and you want the other provisions to be changed. How can we settle the problem then? It is really something unfair if we do that. Today I have been telling you with frankness and straightforwardness to let you know that we should do in such a way to settle the problem here. What way should we find out to get out of this deadlock? I think that what I have been telling you is clear enough.

Dr. Kissinger: I appreciate . . .

Le Duc Tho: Before you speak I would like to say that in order to settle the problem both sides should understand each other's problem, difficulty. Both sides should have mutual comprehension. But if you adopt the second way of doing, and you will propose one change, I will do the same and propose one change. If you propose about two changes, I will propose two changes too. And when we get to the questions of principle then no solution is possible, because you have your principle and we have ours and there must be a mutual respect for each other's principles if a settlement is to be found. Therefore the best way in my mind is to keep the basic provisions of the agreement, and for the changes of the details we will discuss.

It does not mean that we don't understand your difficulties. But when we have agreed to you with regard to some provision it does not mean that we don't have any difficulty with regard to these provisions. Particularly with regard to Article 8(c). How many hours I have spent to discuss with you on this article I no longer remember. But finally I agree to keep Article 8(c) as it was, but you should also keep the other provisions as we propose.

Dr. Kissinger: Mr. Special Advisor, first of all I think you have spoken in a very constructive tone. And I understand that your side

too has problems. And it is one of the tragedies of this situation that the parties that have been fighting for so long are mostly conscious of their own difficulties and cannot see the problems of the other side as clearly. We both have our principles and we both have our honor. And I know that it isn't easy for you to be in a position where having published major parts of the agreement it now appears as if all the changes were made to your disadvantage. Actually we have taken great account of your views in not presenting many proposals that were pressed on us. But let us not go into the past right now.

I understand that the changes we made last week, or the last time we met, were really all changes of detail. They did not involve questions of principle. They were elaborations of what we had already agreed upon. Is that a correct understanding? I think Greenwich Mean Time is not an issue of principle. [Laughter]

Le Duc Tho: I agree with you on this point of GMT.

Dr. Kissinger: Indeed, as one looks over those provisions one has to say they are all elaborations of existing provisions. Now if that is understood then I believe we can look again at the additional changes that we proposed to you Monday to see what can be omitted for the sake of staying within the spirit of what you have said, what can be omitted to stay within the principles.

Le Duc Tho: All right.

Dr. Kissinger: So what I would like to propose, Mr. Special Advisor, because this is truly a very difficult matter for us and a difficult matter—and in a sense deeper than for you. When the Defense Minister of the Royal Cambodian Government speaks he is in the somewhat anomalous position of a royal minister in a communist capital. This is not the most frequent combination of circumstances of which history informs us. And while we recognize that it is an embarrassment for you, it is not of the same order of difficulty that we will confront when we conclude an agreement along the lines that we are now discussing. You know that the agreement as it now stands, that is with the details we agreed upon between us plus the changes we presented on Monday, will be declared totally unacceptable in Saigon. You know that. I am not saying it as a bluff. If we now reduce this even further, to take account of your principles, you know we will have a very massive, major public confrontation. That is a fact. I mean I am not arguing it.

So what I would like to do, Mr. Special Advisor, in order to avoid misunderstanding, is to ask for a recess until tomorrow to consult with the President [about] what of those provisions that we proposed to you on Monday can be dropped, to get the true minimum position that the President feels he must have for what will then be ahead of him. I will propose a great effort, and then when we meet tomorrow what I will tell you will be what we absolutely feel we must have and

it will be something less than what we gave you on Monday. But it is senseless for me now to make a proposal, because we should attempt then—we are only talking now about four sentences on our side—to make a proposal to see which of those we can condense, eliminate, phrase in a way that your principle is preserved. And then we will at least know finally whether an agreement is possible. We will not ask you to accept exactly what we proposed on Monday.

But there is one point that we will not be able to agree to, because I know that now. And that is your word for “administrative,” and I will tell you why. All of his political life the President has said that he will never accept a coalition government. You read his record and you will find it. When we met on October 9 you proposed first that we call the council “Administration for National Concord.” We rejected that because it was too close to “government.” You then proposed, under the influence of your friend here [Xuan Thuy] “administrative structure.” [Xuan Thuy laughs.] And you proposed it in English. Now in English it clearly means much less than “government.” Now when you put it into Vietnamese, in which my proficiency is not yet perfect despite my many years of talking to you, it sounds almost the same as “Administration for National Concord.” [Vietnamese laugh.] Now unintentionally this creates the impression of a trick. Now my experts tell me that they never agreed to this translation on that Thursday when they met with your experts [Oct. 12].

So I don’t put this into the category of a change we are making afterwards. We are putting this into the category of something we had always maintained. I am not asking for an answer now, but this is something that is impossible for the President in terms of his whole history. Maybe we can find another formulation. We don’t want to change the English meaning. But unfortunately your language is subtler than ours, so you have this connotation and I had not understood the complexity of the Special Advisor’s proposal. So . . .

Le Duc Tho: Politically this is complicated.

Dr. Kissinger: I understand. But it is politically complicated really on both sides. So I want you to know that is why we are not dealing with it frivolously, and it comes in a separate category from others because we had never agreed to it and we had never frankly understood the Advisor’s subtlety.

Le Duc Tho: But it is also an important problem for us too.

Dr. Kissinger: I understand it has become this. But speaking now very frankly, when your Prime Minister made his interview we were all outraged because we thought he was lying. We now understood that he was using the word which we had not understood in a special Vietnamese meaning and precisely because it leads to this ambiguity we have this difficulty, because I can assure you our President would

never have agreed to any term that implies even vaguely coalition government. It is almost a religious conviction to him. To read his record over, his political life shows this.

This is not something we brought up after the event. It is something to which Mr. Engel tells me he never agreed as a correct translation, and which I did not even understand. I understood in English “administrative structure” is clearly something less than government and that was frankly its attraction to me. Otherwise I would have accepted the phrase “Administration for National Concord.”

Le Duc Tho: Have you finished?

Dr. Kissinger: Yes, just an explanation of our position.

Le Duc Tho: I will not debate on that point now. Let me say one sentence. We know that the question is important for you as well as for us. And when I make the proposal I spoke in Vietnamese. Probably Mr. Engel your interpreter should understand that. But because the word “administrative structure” it can be translated into Vietnamese in four ways, many ways.

Dr. Kissinger: You have chosen the most sacramental one.

Le Duc Tho: [Laughs] Because we should not choose the best translation. Now I would like to add that you want a settlement of the problem; we too want a settlement of the problem so that we can go to peace. But as I told you, the best way to get out of that point is to return to the former agreement and whatever details you want to change we can discuss later. But the basic provisions of the agreement should be maintained. I am aware that with regard to a few provisions, some provisions, one or two provisions, you have some difficulties with the Saigon people.

Dr. Kissinger: [Laughs] He must have studied understatement in England. The only one with which we don't have trouble is Article 23 since you eliminated the French text. [Laughter]

Le Duc Tho: As for me we have some difficulty too, some provisions which may be difficult for us. We have been fighting for tens of years and now tens of thousands of people are in jail for the time being and now they are not yet assured of being released. It is a problem of great political significance. I am not subjective, but our difficulties are greater than what you think. But we are willing to keep it as it was. So the other basic provisions, the other provisions, should be kept as they were and we can change in the details of it. So both sides have difficulties. We understand your difficulties.

Dr. Kissinger: I have one secret dream, which is to be able to participate at a negotiation between Minister Xuan Thuy and Special Advisor Duc from Saigon. [Laughter] They will spend four years deciding why it is immoral for one of them to sit on which side of the table.

Xuan Thuy: You have met Mr. Duc. Please convey me your experiences.

Dr. Kissinger: I spent last week 15 hours with Mr. Duc . . .

Le Duc Tho: But we spent three months regarding the form of the table.

Dr. Kissinger: . . . at the end of which he said exactly what he said at the beginning. With a special Vietnamese ability of breaking your heart. For 14½ of those hours I thought I was making an impression—until I heard his final statement. This is why since this is our house I won't permit the Special Advisor to make a final statement. [Laughter]

But let me sum up my understanding of where we are, because it is important. I understand what you have said and it is constructive. What I would like to do is to say to the President that the changes that were agreed on last week will be treated as matters of detail, and that of the remaining changes which we suggested to you on Monday he should reexamine them very carefully to eliminate as many of your concerns of principle as we possibly can. So that of those changes if anything remains, whatever remains will be questions of detail and not questions of principle, and that then we conclude on that basis tomorrow. That is what I would like to discuss with him.

Le Duc Tho: Your statement is not yet clear to us. The points we have agreed last week, some we proposed an amendment to it. For instance, the question of "The United States respects the fundamental right of the Vietnamese people," as I told you, and one or two other points have been proposed by you yourself and these points are not questions of detail, for instance the question of the DMZ. You have proposed a change to that point different with the agreements as it was in October. But the day before yesterday we proposed another thing to that point too, on the DMZ. As to the other points we shall further discuss them. There are a number of points we have agreed with you [that] we will keep it. As to the question of principles you said that it will be reduced to the minimum, but since they are questions of principle they should not be changed.

Dr. Kissinger: Let me separate the thing into two parts. With respect to the DMZ, last week you agreed to a sentence that the DMZ should be respected. That is really implied in the preceding paragraph. That is just an elaboration. That is not an issue of principle. Then on Monday we proposed adding to it the phrase "and respect each other's territory." That you say is a question of principle, and that we will consider overnight.

Le Duc Tho: But we proposed you delete this sentence and to add the sentence "the two South Vietnamese parties will agree on the statute of the DMZ." Because the situation is different from it was now.

Dr. Kissinger: Which do you want to delete—"respect each other's territory," or the whole sentence on the DMZ?

Le Duc Tho: To delete the "respect each other's territory."

Dr. Kissinger: That you want to delete.

Le Duc Tho: And to add the sentence, "the statute of the DMZ will be agreed upon by the two zones of Vietnam, North and South."

Dr. Kissinger: After the sentence that they shall respect it. I understand now.

Le Duc Tho: Because the two parties should discuss how to cross the demarcation line for trade, etc., between North and South Vietnam.

Dr. Kissinger: All right. I understand your point now.

Le Duc Tho: You will present your views tomorrow. But I would like to say that the provisions of the agreement should be kept as they were on October 20. And we shall discuss the details, with good will.

Dr. Kissinger: You undoubtedly will contact Hanoi and we will contact Washington. I will be accused of being too trusting of you, and God knows what you will be accused of.

Le Duc Tho: You ask me that question?

Dr. Kissinger: I am not asking you, I am just telling you. I just thought maybe you had thought of an answer. But seriously, let us—since we are coming to a point where we have to make a decision which way to go—I want to tell you exactly what the thinking is in Washington because I have been in very close contact the last few days. There is no chance whatsoever that the President will agree to exactly the text of the end of October. For many reasons, which you will understand. So what we have before us is, can we keep the changes to a minimum that is tolerable to both sides? This is the problem we now have.

Le Duc Tho: The details acceptable to both sides.

Dr. Kissinger: The details . . .

Le Duc Tho: Not relating to the principle, the substance.

Dr. Kissinger: I understand your point. Now we consider the changes that were made changes of detail that were agreed to last week. Changes of detail. That is, what we agreed to before I left here. And so does the Special Advisor, because he did not permit me to say we had made progress, claiming that all the changes were very insignificant. Now we understand that the proposals we made to you on Monday involve issues of principles. And we can recommend to the President to reconsider those changes and reduce them to what he considers to be the absolute minimum he needs to do what will be ahead of us if we come to an agreement. Of course, you are not obliged to accept that, and after you consider what I will present to you tomor-

row you may still decide that it does involve a question of principle and that therefore we cannot come to an agreement. But at least we will then have reduced it to the absolute essential minimum.

Le Duc Tho: Let me say now, if we review our discussions last time and this time with you, all the changes have been proposed by you and our proposals have not been responded by you in any way. This is a fact. Among the 5 or 6 provisions or points we have made an effort to change last week, there are some which are details but others are great big points and substantial points. Therefore on these points maybe for some we will keep as it was, but on others we may add some new sentences or new changes.

Dr. Kissinger: I think Mr. Thach has an obsession with the word "status of the DMZ."

Le Duc Tho: As to your statement about reducing the changes to the minimum, since we have kept Article 8(c) as it was then the other provisions you should also keep them.

Dr. Kissinger: Well, I have tried this morning to explain our realities to you. I will present to you tomorrow what we will consider our absolute minimum position. We will then decide. You are not committed to accept our position. You have not agreed to accept our position. And therefore we may still part tomorrow without an agreement. But at least we will then know something.

Le Duc Tho [heatedly]: If you ask for changes how can we then come to an agreement?

Dr. Kissinger: Maybe we cannot. I have tried to explain to you this morning what our realities are. We will look at one or two changes of detail from your side—we understand your problem—so that it isn't just one-sided.

Le Duc Tho: We will discuss tomorrow. But please remember what I have been telling you today. And I have listened to you and I will study.

Dr. Kissinger: But study very carefully. I really spoke to you about the realities, and you must understand you will not find again or at least not for many years a situation in which the people on our side of the table have thought as much about your problems.

Le Duc Tho: I have listened to you.

Dr. Kissinger: Even this agreement, maintaining all the changes and adding a few more—you don't have to agree with us—but even with adding all this it will be extremely difficult for us in America, not to speak of Saigon. That is a fact. It may be unjust but it is a fact.

Le Duc Tho: I understand that you have a number of difficulties, but the points I have raised to you are also very difficult for us.

Dr. Kissinger: I understand.

Le Duc Tho: You have not known yet what our cadres in our country, what they have told us, and the PRG what they have told us when I accepted Article 8(c). After a settlement, I will tell you about their views.

Dr. Kissinger: Since you are a gentleman I won't tell you what I have been told about the agreement by your compatriots [laughter].

Le Duc Tho: Then comes one day when you will tell us what they have told you and I will tell you what they have told me! All the points I have agreed with you here, it doesn't mean that they are agreed to by all people in Hanoi and the PRG too. After the settlement we will become the confidant for each other.

Dr. Kissinger: Either that or we will both be out of a job. [Laughter] Since I know the Special Advisor is an ardent student of history I have here a list of treaties whose preambles do not mention the parties. I thought the Minister especially will be interested. This is a summary. We have a much longer list. [Hands over list at Tab B.]

Le Duc Tho: For my information only.

Dr. Kissinger: I think as a present this evening to Madame Binh.

Le Duc Tho: If I show this to Madame Binh she will be very angry against me. Because I have told you that there is no agreement that there is no mention of the governments signatory to the agreement. She will be very angry with me.

Dr. Kissinger: After the war you will tell me whether there is ever a time when Madame Binh is not angry. [Laughter]

Shall we meet at 11 tomorrow morning? You have Kleber tomorrow. Shall we cancel Kleber tomorrow, by mutual agreement? [They confer.]

Le Duc Tho: Because we shall have to consult Madame Binh, probably we shall keep this session, as it is habitual.

Dr. Kissinger: Of course. Well, what time should we meet tomorrow?

Le Duc Tho: Let us keep the session at Kleber as habitual.

Dr. Kissinger: Well, what time shall we meet?

Le Duc Tho: It is up to you.

Dr. Kissinger: 11—or does it conflict with Kleber?

Le Duc Tho: 3:00 in the afternoon.

Dr. Kissinger: All right. Where?

Le Duc Tho: Gif-sur-Yvette! [Laughter] And we will not go to the house where the elephant tusks are!

Dr. Kissinger: All right. In Gif you have it built into the beams. [Laughter] 3:00 at Gif.

How shall we conduct ourselves at the plenary session tomorrow? If Ambassador Porter behaves in a restrained fashion, will the Minister be on his good behavior?

Xuan Thuy: I will show restraint too in return.

Dr. Kissinger: So it will be a short session, because you have to be at Gif at 3:00. Will I urge Ambassador Porter to keep it short, seriously? [They nod yes.] I will urge Ambassador Porter to keep it very short and if you can . . .

Xuan Thuy: I will also tell Madame Binh.

Dr. Kissinger: Who speaks first tomorrow? I am afraid that if we tell Ambassador Lam to keep it short that you will be there until 6:00. I think I will tell him to make it long and you will be out fast. We will urge restraint on our side. Ambassador Porter I can guarantee it. Ambassador Lam I will urge it strongly.

Xuan Thuy: For the last few sessions Mr. Lam has been making long speeches and differently from your language.

Dr. Kissinger: Yes.

Xuan Thuy: Our side did not make the long speeches, but Madame Binh when she is angry then she is . . .

Dr. Kissinger: In other words in her normal condition! [Laughter] All right, we will meet then tomorrow at 3:00 at Gif.

[The meeting ended at 3:50 p.m.]

35. Memorandum of Conversation¹

Paris, December 7, 1972, 3–7 p.m.

PARTICIPANTS

Le Duc Tho, Special Adviser to DRV Delegation to the Paris Conference on Vietnam
 Xuan Thuy, Minister, Chief DRV Delegate to Paris Conference on Vietnam
 Nguyen Co Thach, Vice Minister for Foreign Affairs
 Phan Hien, Delegation Member
 Luu Van Loi, Delegation Member

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 865, For the President's Files (Winston Lord)—China Trip/Vietnam Negotiations, Camp David Memcons, December 1972 [3 of 3]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at 108 Avenue du Général Leclerc in Gif-sur-Yvette. All brackets are in the original. The tabs are attached but not printed.

In his report to the President after the meeting, Kissinger first went into the details of the various proposals and counterproposals, amendments, and revisions presented during the session. Then he developed a broader view of what was happening and what it meant, observing that "it is now obvious as the result of our additional exploration of Hanoi's intentions that they have not in any way abandoned their objectives or ambitions with respect to South Vietnam. What they have done is decide to modify their strategy by moving from conventional and main force warfare to a political and insurgency strategy within the framework of the draft agreement. Thus, we can anticipate no lasting peace in the wake of a consummated agreement, but merely a shift in Hanoi's *modus operandi*. We will probably have little chance of maintaining the agreement without evident hair-trigger U.S. readiness, which may in fact be challenged at any time, to enforce its provisions.

"Thus we are now down to my original question: is it better to continue to fight on by scuttling the agreement now; or be forced to react later, vindicated by the violation of a solemnly entered agreement? Were we to opt for the former, I can with ample justification recess the talks tomorrow on grounds that would leave us in a good public position, emphasizing Hanoi's absolute unwillingness to give us any assurance on the issue of their troops in the South or to even accept modifications to the text of the agreement which would establish the principle of nonintervention in the future. If on the other hand we opt for an agreement, we would then have to be prepared to react promptly and decisively at the first instance of North Vietnamese violation. I raise these issues not because the agreement itself is bad but because the balance of existing forces cannot get us a better agreement; no war in history has been settled on better terms than the reality of forces on the battlefield could justify. Nor can our worries be fixed by specific provisions at this point. The GVN approach and our vigilance are the key factors." (*Foreign Relations*, 1969–1976, vol. IX, Vietnam, October 1972–January 1973, Document 147)

Kissinger did not express a preference in his report, but in a telephone conversation with Haldeman that day he made it clear that he favored the second option, and Haldeman so informed the President. (*Ibid.*, Document 150, footnote 3)

Nixon's immediate reply gave Kissinger instructions for the December 8 meeting. "I have decided," the President's message reads, "that we should go forward with the second option with the only condition being that the agreement we get must be some improvement over the October agreement as you have indicated it is." He added: "I am completely aware of all the problems we will have in getting agreement from Thieu and in policing the agreement if it is reached, however I believe the risks of the other option of breaking off the talks and escalating the bombing are far greater." (*Ibid.*, Document 150)

Trinh Ngoc Thai, Delegation Member

Tran Quang Co, Delegation Member

Pham The Dong, Notetaker

Nguyen Dinh Phuong, Interpreter

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs

M. Gen. Alexander M. Haig, Deputy Assistant to the President for National Security Affairs

Ambassador William Sullivan, Deputy Assistant Secretary of State

Winston Lord, NSC Staff

John D. Negroponte, NSC Staff

David A. Engel, NSC Staff, Interpreter

Peter W. Rodman, NSC Staff

Miss Irene G. Derus, Notetaker

Dr. Kissinger: I have a brief opening statement here, which I will read from cover to cover.

Le Duc Tho: I give the opening to you, Mr. Special Adviser. You will speak first today and you will bring about breakthrough.

Dr. Kissinger: This is in contrast to yesterday when I also spoke first. [Laughter]

Le Duc Tho: Yesterday I spoke after you and I was the last speaker yesterday, and now you should be the first.

Dr. Kissinger: I will speak first but may I point out that when I am the first speaker it is inevitable that the Special Adviser is the last speaker. Therefore, when he is the last speaker, I am condemned to be the first speaker. [Laughter]

Mr. Special Adviser, Mr. Minister, we have very carefully studied what you said yesterday. And we recognize the fact that you have made an effort, and we are now in a situation where really fundamental decisions have to be made. As we explained to you yesterday in a rather long presentation, our objective situation is this: The agreement as it stood in October, prior to my projected visit to Hanoi, revealed certain ambiguities and certain difficulties which the interpretation that was given to it by some of your leaders, and the practice that was involved by some of your units in the south, indicated needed clarification. We believe that many of these clarifications are in our mutual interest, because they avoid disputes as to precise meaning afterwards. And if we are to begin a period of peace with each other, which is our most serious desire, then it is important that we understand the reciprocal obligations with clarity.

As I explained to you yesterday, we have been involved in a very intense debate with our allies in South Vietnam. It must be clear to you from the published record that we have not presented all of their proposals. We have dropped the larger part of the other changes that we have proposed. So we really have left a very few issues, some of which, as I pointed out to you yesterday, such as “administrative

structure”, we had never agreed to; and others which reflect an elaboration of the implication of existing provisions.

Now in the light of all that has happened since October, of the public statements which have been made, and of the exchanges that have taken place, you must recognize that it is not possible to return to the situation as it stood on October 26th. These meetings that have been taking place since November 20 would have had no point if that were to be the case.

And so we have reviewed the drafts last night and we have been in frequent and close consultation with Washington. We have made a very earnest effort to reduce our proposals to the absolute minimum that is still consistent with our principles. And we have even attempted to find a way to include some of your requests that you did not formally make yesterday. And so we are now at the point of our absolutely minimum position from which it is impossible to retreat, which I would like to put before you.

First, we believe that the changes that were agreed to last week should all be maintained because they do not represent matters of principle but matters of detail.

Second, with respect to the issues I presented to the Special Adviser on Monday, we have reexamined them and I would now like to present our final position.

On the Preamble, we cannot go further than the proposal that I made in which the U.S. would sign a document which would include the phrase “the Provisional Revolutionary Government”.

With respect to Article 12(a), the President has authorized me to drop the phrase “whose members shall be chosen equally by the parties”.

As I told the Special Adviser yesterday, and as I explained to him at great length, we cannot accept the translation of “administrative structure”. Our proposal, in short, turns Article 12(a) in English to exactly the language that was agreed to in October and exactly the meaning it had in October. As I explained yesterday, we consistently rejected the word “government” and we consistently rejected the word “administration” when it was proposed, and therefore the record can leave no doubt that we could not have meant what the interpretation now suggests.

With respect to Article 13, we drop the “one-for-one basis” and we drop the phrase “return to their native places”, so that this sentence stays as it was. We maintain the sentence that “the two South Vietnamese parties will do their utmost to discuss this issue within three months of the signing of the agreement”, because this makes this consistent with other provisions that were left similarly vague.

We have thus made a great effort to meet the objections that the Special Adviser raised on Monday, and all we are asking for now is a time frame that is similar to other time frames that have been established, for the resolution of this problem.

In Article 15, we are dropping the phrase “and each other’s territory”. But we are suggesting that the phrase we wanted to have in Article 20 be instead moved to Article 15, that is, “South and North Vietnam shall not use force against each other”. In return we are willing to make two changes that will ease somewhat your problem. We are prepared to add to Article 5 the following sentence: “No civilian personnel from the above-mentioned countries will engage in any function related to military activities which civilian personnel were not performing prior to October 15, 1972, or participate in military operations or operational military training.” [Hands over copy, Tab A] This prevents the assignment of civilians to military tasks.

Le Duc Tho: From October 15 onward?

Dr. Kissinger: Right.

Le Duc Tho: But those who have operated before that date, then they would continue to do it?

Dr. Kissinger: That is right. But it prevents a situation in which civilians replace military in military tasks. What it means is this: Any function that a civilian performed prior to October 15 he can continue to perform, but he cannot perform—no new function can be assigned to a civilian. That is point 1. Point 2: If any civilian is engaged in operational military training, even prior to October 15, that will have to be stopped.

So one category of activity before October 15 will be stopped completely. Second, it makes it improper to assign civilians to activities exclusively assigned to military prior to October 15. And therefore we cannot evade the intent of the agreement by assigning civilians to functions that were military. That is the meaning of that phrase.

The second proposal in your favor which we are prepared to add to the agreement is in Chapter V. At the end of the sentence that says, “South and North Vietnam shall promptly start negotiations to reestablish relations in various fields”, we are prepared to add the following sentence: “Among the questions to be discussed will be the modalities for movement across the provisional military demarcation line.” [Hands over copy, Tab B]

In other words, of the changes that we proposed this week we do not consider “administrative structure” a change we are bringing into this agreement but one which we have always held. We have asked for two changes that cannot be questions of principle. As to this question, if you cannot accept our word for “administrative structure”, we are

prepared to work with you to find a compromise language which perhaps avoids these words altogether.

This concludes any proposals we have with respect to the agreement itself.

With respect to the ceasefire in Laos, we propose that the ceasefire will occur within 10 days of the signing of this agreement. We have explained the reason for this, that there now will be sufficient time for the negotiators to conclude their arrangements and it is difficult to understand any reason why so much more time should be needed.

And we propose also that the international machinery at least in part be in place when the agreement is signed.

I want to repeat, as I said to the Special Adviser on Monday, if we reach an agreement on this basis, our Vice President will leave for Saigon immediately. We will, under no circumstances, ask for any other changes of any kind in the agreement, not even . . .

Le Duc Tho: But you have too many changes already. Because with such changes it would be difficult to settle already if you add more.

Dr. Kissinger: Well, I have just pointed out that we will not ask for other changes. It would conclude the negotiations between us. It represents a very major effort we have made. It represents a great deal of good will and our belief that the time for peace has come, and this is what the President has instructed me to present to you for your most serious and earnest consideration.

Le Duc Tho: Have you finished?

Dr. Kissinger: Yes.

Le Duc Tho: The other day I told you that we have two ways of negotiating. First, we will respect the provisions we have agreed to and we will change only the details. Second, each side have its own requirement and will ask for changes. If you ask for changes of our questions of principle, then we will do the same with your questions of principle. If you ask for big changes we also ask for big changes with you. With you, if you ask for small changes we will do the same with you. It is a question of fairness. There cannot be such unfairness that you ask for changes and we have to accept the changes. As to our own proposals you did not respond to them. You proposed nine significant changes. Among them there are proposals for changes of the details, but they are significant all the same. Among your proposals there are also important changes. And we have responded to many of your proposals.

Now let me [go] into the questions you have raised. I will give further explanations on two of these questions. I will maintain one of these questions. So I have responded to six of your proposals.

Dr. Kissinger: Could the Special Adviser—could he sum up for me what these nine are and these six are?

Le Duc Tho: Let me point it out to you. I have agreed with you to change the provision regarding “The U.S. respects the national fundamental right of the Vietnamese people” in Article 1.

Second, I have agreed to the change that the cessation of hostilities will be “durable and without limit of time”.

Dr. Kissinger: Can you hold on just one second?

Le Duc Tho: In Article 7, regarding the replacement of armaments, you wanted to add the words “destroyed and used up”.

Article 9(c), previously it was “The United States shall not intervene in the internal affairs of South Vietnam or impose any political tendencies or any personality over the South Vietnamese people.” I agreed with you to change this last time, last week.

Dr. Kissinger: I understand what the Special Adviser is saying.

Le Duc Tho: Article 12(b), regarding the task of the National Council of National Reconciliation and Concord. I have agreed to delete the words “maintaining the ceasefire and preserving peace”.

Article 12 regarding the DMZ.

Dr. Kissinger: Article 15.

Le Duc Tho: Article 15: “South and North Vietnam will respect the DMZ on either side of the provisional military demarcation line.”

Article 20(a), regarding the words “shall strictly respect their obligations towards the 1954 Geneva Agreements on Cambodia and the 1962 Geneva Agreements on Laos.”

Article 20(a), the last sentence regarding “encroach on the sovereignty and security of one another and of other countries”.

Article 20(d), the problems existing between “the Indochinese countries” instead of “three Indochinese countries”.

These are nine questions I agreed to you last week. Among them there are questions of details but significant questions too. Among them there are four important questions: The question of the DMZ; the question of replacement of armaments; third, the question of reducing the task of the National Council of National Reconciliation and Concord; fourth, the question of the provision regarding “The United States undertakes to refrain from imposing any political system”. I have agreed to that.

Article 20(a), I have also brought an important change, a significant change, regarding the question of Cambodia and Laos, so among your nine . . .

Dr. Kissinger: What are the changes with respect to Cambodia and Laos?

Le Duc Tho: I have redrafted the article and put “strictly respect their obligations toward the 1954 Geneva Agreements”, and then “not

to encroach on the sovereignty and security of one another”, and then “the three Indochinese countries” be changed to “Indochinese countries”.

These changes have some political significance. So among your nine changes you proposed last week, we have agreed to five of them, and five important changes. Among the nine questions there are five important questions. We have put forward five questions but you have not responded to any of them, except the only point regarding civilian personnel associated with military activities. You have only given us half a concession only. Is it fair negotiation, this?

Now the proposals you made last Monday, I recognize that you have changed them a little. But you have changed—reversed a number of questions and make them complicated. For instance, regarding the question of reunification of Vietnam you want to add “North and South Vietnam will not use force against each other”. So you bring complicated questions for both zones.

Regarding the DMZ you only propose to put the “modalities for movement.” We propose that the statute of the DMZ should be discussed, and the situation in the DMZ is utterly different from it was before. The situation of the war in 1954 was different. Now the situation is quite different from it was in 1954. Then there were two different regions, but south of the demarcation line there was the French and the puppet troops associated with the French; north of the demarcation line was the Democratic Republic of Vietnam. Now today in South Vietnam there are two different administrations, the PRG and the Saigon Administration, and on the other side the Democratic Republic of Vietnam. And moreover this region, the region of the DMZ, is now a liberated zone controlled by the PRG. Therefore the movement in this region needs a statute of the DMZ. Therefore when we proposed that the statute of the DMZ should be discussed, it is something correct, and moreover you should realize that we have shown our good will when we agreed to add it to what was agreed. But the DMZ should have its statute now. Now you want to refer the question of modalities for the movement in the same Chapter V. But you put it in the same paragraph with regard to the normal relations between the two zones but it is not the statute of the DMZ. So I think that your desire is that the statute of the DMZ remain as it was for the agreement of 1954. It is no longer conforming to the present situation. We will respect the DMZ but the statute of the DMZ should be discussed.

Dr. Kissinger: Can the Special Adviser explain to me what that means in practice?

Le Duc Tho: [Heatedly] Let me finish. I will speak about the questions. I have not gone into the details yet.

It is superfluous to raise the question of “North Vietnam and South Vietnam will refrain to use force against each other” because we have

put in the agreement that the cessation of hostilities will be without limit of time. Therefore, there is no question of using force arise here. And then there is a provision that “the two parties shall refrain from introducing troops, armaments and war materials into South Vietnam”. Therefore how can they use force against each other? When you put “North and South Vietnam shall refrain from using force against each other”, do you mean that North Vietnam has made aggression against South Vietnam? We have never made aggression against South Vietnam. The only aggression made there is by the United States.

So the question you raise here has very complicated political significance. While we have shown great good will when we take into account some of your questions of principle regarding the release of captured and detained personnel, you should understand our sentiment when we have to separate this question and we do not insist on it. We know that this is a question of principle of yours, therefore we respect your question of principle, but the questions of principle we are raising, do you respect them?

Dr. Kissinger: Could I make a suggestion, since I do not want to hear or read any newspaper stories—we don’t want to hear that the Special Adviser shouted at me and I shouted back, so could we keep our voices at a respectable level?

Le Duc Tho: No, you should understand that this is my sentiment. Toward you I am always very correct and courteous, but here it is a very hard question for us. You should understand our feelings, our sentiments, when we keep the provision as it was in the agreement and let tens of thousands of our people who are in jail now. Our question of principles you do not keep as it was and you wanted to change it. The Provisional Revolutionary Government is a real fact, a reality in South Vietnam. You wanted to wipe out the PRG from the agreement, don’t mention it, and then you propose a way of signing of the agreement. Then in your way the agreement will have no legal value and it will be a simple paper.

So you have proposed many changes and we have responded to many of them, and our proposals made to you we have reduced them. For instance, Article 8(c), so important for us and we have dropped it, while you are adding more complicated questions as I just explained.

So you affirm your desire for peace and for an end to the war. Is it real? Is it true what you are saying? So I should tell you that this way of negotiating is unfair and cannot lead rapidly to peace. I have told you on many occasions that it is a great desire of mine to have peace; otherwise I would have not put forward the October 8 proposal. But you propose some amendment to the agreement; I accept to come here again to meet you again. This is undeniable good will on our part.

I have responded to many of your proposals last week. Among them there are many important changes and among our proposals,

five proposals of ours, a very important proposal regarding the Article 8(c). And we have dropped it and maintain as it was in the agreement. On the contrary you did not respond to any of our proposals. As to a number of your proposals I disagree to your changes because they involve our questions of principle. I have responded to your question of principle but you did not do the same with regard to our proposal. So yesterday I told you that we should mutually comprehend each other; we should take into account each other's difficulties as to those necessities. I take into account your necessities and you did not do so with regard to mine. How shall I conduct the negotiations now? If I had to conduct negotiations only in accepting your proposals and I have no right to bring amendments at all, even maintaining what we both have agreed to, you are unwilling to do that. Please think of it and see whether this way of negotiations is fair or not. It is all my ideas I have to express to you, in all earnest, in all careful thinking.

But all these questions are very difficult for me. That is why I propose to you that we want to return to the agreed-to agreement, to avoid big changes in principles. So among the nine questions we agreed to with you last week, now I propose to have some clarification regarding two of them, to maintain as it were before the changes one of them, and I have responded to six of your proposals.

The question of the DMZ—you propose the amendment; I agree to it. I would like only to add that "South and North Vietnam will discuss and agree to the statute of the DMZ."

The second question, the question of Laos and Cambodia. I would like to delete the word "obligations", to delete "their obligations", and the article will read "shall strictly respect the 1954 Geneva Agreements on Cambodia and the 1962 Geneva Agreements on Laos." I propose now to delete the word "their obligations" and keep, as you proposed, "shall strictly respect the 1954 Geneva Agreements on Cambodia and the 1962 Geneva Agreements on Laos." Why do I propose to delete the word "their obligations"? Because our ally in Cambodia, they would say that we will interfere in their internal affairs, and when I say our "obligations" they understand as I just explained to you. I frankly tell you this.

Dr. Kissinger: I understand your point. I will take it very seriously. I have a different tactic from you, Mr. Special Adviser.

Le Duc Tho: No other tactic.

Dr. Kissinger: In four years of negotiations, Mr. Special Adviser has never admitted that I have ever said anything that has merit, which is statistically improbable.

Le Duc Tho: I frankly tell you my views. It is unfair to say this, because I have admitted that some changes you have brought today

have shown you have made some effort. But, fairly speaking, these efforts of yours is not an effort because you try to change the agreement. You only reduce your amendments. Previously you want more changes.

Dr. Kissinger: But I have explained to the Special Adviser on innumerable occasions what our problem is and how we are trying to get it. And he understands very well what our situation is. But let the Special Adviser continue to go through what you are presenting.

Le Duc Tho: So, if we compare your former proposed changes and your present changes, I say that you have made an effort.

So these are two points in which you have proposed an amendment but I responded to your proposal but I also add something.

Dr. Kissinger: I understand your point.

Le Duc Tho: So nine of your proposals, nine questions we have agreed to last week. I will maintain only one point we agreed to. "The U.S. respects the national fundamental right", in Article 1.

Dr. Kissinger: Let me understand what the Special Adviser is saying. One, I think Mr. Thach is the evil influence. Maybe he should sit one seat removed from the Special Adviser!

Now, are you saying you are keeping only one of the nine or are you saying you would like to drop only one of the nine?

Le Duc Tho: Keep one of the nine as it was.

Dr. Kissinger: Oh, I was afraid he was taking away GMT from me, which we considered a tremendous concession. The President sent me a telegram . . .

Le Duc Tho: This is completely technical question.

Dr. Kissinger: The President sent me a telegram saying no other negotiator could have got that, plus the change in Article 23.

Le Duc Tho: So the reason why I propose to keep Article 1 as it was, saying "The United States respects the national fundamental right of the Vietnamese people" because it is some frequent statement made by American authorities, leaders, that the United States respects the 1954 Geneva Agreements and the 1962 Geneva Agreements. Because if we put this article, then our people will be assured that the United States will respect our independence. And after the war when we establish relations between the two countries, your technicians will come to our country and help us to reconstruct the country—our people will be assured. Because in my view the greatest honor for the United States is the way reflected in the agreement for the pull-out of the United States troops. The conditions for such pull-out and put forward by President Nixon, as explained to you, we have met your requirements. I explained to you yesterday. And really speaking, our political

requirement is reflected here to some extent only. This is at its lowest level, really. It cannot be lower.

Dr. Kissinger: What is the highest? To have an American arrive in a cage? An American emissary in a cage?

Le Duc Tho: You say this is all for South Vietnam. But regarding Laos and Cambodia President Nixon has expressed in his message to us that he is fully satisfied with the response.

Now the question of ceasefire in Laos. I told you the other day that we could have an understanding on this too. All these moves of mine show greatly that we have good will.

So your questions of principle, I have met them all. Our questions of principle you did not meet them, and moreover you make some questions more complicated. For instance regarding the question of 8(c), your requirement is now higher than it was before. And moreover you ask for a number of changes; for instance, the question of "North and South Vietnam refrain to use force against each other", the question of "modalities for movement" across the DMZ.

Dr. Kissinger: That is what you wanted. I don't care about the modalities. I was trying to show good will to Mr. Thach. If you don't want it, we will withdraw it.

Le Duc Tho: What I mean is that you have raised a number of questions and we have answered them all and now you raise new ones. So I repeal. Among the nine points we agreed to last week I have responded to you six of the nine. For two of the nine I have agreed to it in part and I propose some change to it. And I propose to maintain one of the nine. And besides that I will never—and so I will not ask for any other changes if you will maintain as it was and bring no other changes.

Dr. Kissinger: Let me understand.

Le Duc Tho: Let me finish please. So if comparing with the articles of the agreement of October 20, now until this date, I have responded to a number of your proposals and do not propose anything new, and what I request you to do is you should also propose no other changes. I respect your question of principles. You should also respect our question of principles. Therefore yesterday I dropped the question of Article 8(c). I have done our utmost and I would like to hasten the conclusion of the agreement, therefore I have dropped this question. I hope you will carefully consider our views. I have taken into account of your difficulties; you should do the same. You should carefully examine our views.

If now you should consider our question of principle, for instance the mention of the PRG in the agreement and the way of signing the agreement you propose—this very point, this one point, suffice to drive

our negotiations into deadlock. How shall I tell the PRG and tell the people of South Vietnam when in the agreement there is no mention at all of the PRG and the way of signing the agreement is peculiar too? And how the people of South Vietnam would think of this question? And if it is done in such a way how can you visualize that these two governments can sit together and solve the question within three months? How can they solve the questions so as to achieve national concord and to have lasting peace?

Dr. Kissinger: I have always wanted to ask the Special Adviser that very question. How they are going to do that?

Le Duc Tho: When I told you that we desire peace, we desire national concord to be achieved, we will be determined to achieve this. I told Mr. Special Adviser to draw experience from the past. In 1954 it was said in the Geneva Agreement that the two sides shall refrain from terrorism and reprisals against one another. As soon as the regroupment of troops began in South Vietnam there were many, many cases of terrorism and reprisals staged by the French and puppets. And you know when you interfered in South Vietnam, Ngo Dinh Diem came to power, how he massacred the people. He brought in every place the guillotine only a few months after the signing of the agreement. It was not we who did that.

Dr. Kissinger: Not in the south; you did it in the north.

Le Duc Tho: Never in North Vietnam. There was no massacre or terror like the cases in Can Duoc in South Vietnam. The other day I told you when we talked privately there was differentiation among families in South Vietnam: Some members side with one party; some others side with the other. The father participate in the Liberation forces; the son in the puppet army. We, our people, have suffered a great deal. We want to have peace, to have families reunited. We want to achieve real national concord. And you will see that after the agreement is signed we will put it in practice; we will abide by it. So I told you when we talked privately. After your interference in South Vietnam, now there has been formed in South Vietnam military strata of people, very warlike people. The chief of the district, province chief—all are military officers. Their interest is all associated with the war. You want peace but the puppets are different with you to some extent.

Dr. Kissinger: Yes, but we have an understanding that we don't use labels for the sides which are allied to each of us.

Le Duc Tho: I just told it only to bring out the fact that we really want peace and national concord. This is our firm determination. But whether peace is possible now or not it depends on you too, and it depends also on the Saigon Administration, whether they want peace or not. If they don't want it then how can settlement be made? Your approach to the changes make it very difficult to reach a conclusion.

So what I propose now is two amendments to the two points I have agreed to you, and I propose to maintain one point we agreed to.

Dr. Kissinger: I understand. I think I understand. Let me put it into my language. Just to understand what you are saying. You are saying that of the nine changes you have agreed to, six of them can be maintained.

Article 1 you would like to return to its original form. [There is discussion on the other side.] Yes, Article 1 you would like to return to its original form. Then to the sentence you agree to on the DMZ you would like to add a sentence "They will discuss and agree to the statute of the DMZ".

Le Duc Tho: Right.

Dr. Kissinger: All right. I am just trying to sum up as I understood you. As I told you yesterday my mind doesn't work as rapidly as Vietnamese minds. The trouble is you all believe this! You don't think I am being polite.

Le Duc Tho: You are very intelligent.

Dr. Kissinger: No, you think I am expressing objective reality! You would like to drop the phrase "their obligations" under the 1962 Geneva Agreements from the Laos Chapter.

Le Duc Tho: Simply "shall strictly respect the Geneva Agreements".

Dr. Kissinger: I understand. I just want to understand exactly what you are saying.

Le Duc Tho: As to the "three Indochinese countries", I responded to your proposal.

Dr. Kissinger: I understand. Now let me ask you, just so that I understand what you are saying, what exactly do you mean by "will discuss and agree to the statute of the DMZ"? Does it have a statute now? It has a statute now and you want to change that statute to a new statute?

Le Duc Tho: We have declared that we respect the DMZ, but now there should be a statute of the DMZ to stipulate about the modalities of the movement. Because there were only two parties, now there are three parties—the PRG, the Saigon Administration and the Democratic Republic of Vietnam. Therefore with the PRG and Saigon Administration on the other side and North Vietnam on this side, the movement in this region is quite different as it was before. The PRG is a government, [having] a relationship with the Democratic Republic of Vietnam and other countries. Now in its relationship with other countries, international relationship, which itinerary it will take out will be its relations with the North Vietnam. And so discussions are necessary how movement across the DMZ—how many kilometers, how the movement should be made, how the modalities will be. Otherwise no solution is possible.

Dr. Kissinger: But pending such an agreement, is the old status maintained?

Le Duc Tho: After the ceasefire, discussion on this question should start immediately.

Dr. Kissinger: Yes, but what happens until they are concluded?

Le Duc Tho: Discussions will be made on concrete points of this question. The two zones, North and South, should discuss together. It is some objective fact. It does not mean that we will violate it. After the agreement is reached, we will respect the agreement, we will not violate it.

Dr. Kissinger: I understand. You respect the agreement but I want to know how you interpret the agreement.

Le Duc Tho: It is reality. I can't go into the details now. It is the military, the real situation at present.

Dr. Kissinger: What then does the phrase "respect the DMZ" mean, I mean "discuss the modalities and status"?

Le Duc Tho: Let me speak very briefly because the details should be discussed later. There is the demarcation line. On either side of the demarcation line there is a demilitarized zone of five kilometers on each side, and then the PRG, the Saigon Administration and the Democratic Republic of Vietnam will discuss how this zone must be. Such discussions are indispensable. It is something clear.

Dr. Kissinger: But my experience is that Vietnamese discussions sometime take some time, and also I have the impression that the parties involved do not immediately have complete faith in each other. So therefore my question is, until the discussions are concluded, what is the status of the DMZ?

Le Duc Tho: There is an explicit provision in the agreement—Article 7—that "after the ceasefire the two parties shall refrain from introducing troops, armaments and war materials into South Vietnam." Moreover, in your protocol regarding the international commission your intention is to locate an international team at that point. I do not discuss yet. I do not discuss it now. When we discuss that protocol we will come to that.

Dr. Kissinger: See, the Special Adviser is threatening me again.

Le Duc Tho: No, the Special Adviser is always threatening me!

Dr. Kissinger: The major incentive, the primary incentive I have to conclude these negotiations is so that I do not have to negotiate with the Special Adviser again and can start a relation of personal friendship. He wants to see whether he can do to me what the Minister did to four American negotiators. I told Ambassador Porter that the Minister would be at the plenary session today. He immediately fell ill.

Le Duc Tho: It is not true. You have known how I am. Through the last few minutes of negotiations I have made many constructive proposals. It is a fact. As to our personal relation now and in the future, it is always good relations. As I told you the other day, the war is very ferocious. You should understand my feelings towards our people, our nation, our people's interests, of which I have responsibility. Therefore, some time in discussions, the discussions are hot. It is in this way of discussing not only with you but sometime with my friends I do the same. Sometime with Minister Xuan Thuy.

Dr. Kissinger: Is it true, Mr. Minister?

Xuan Thuy: Sometimes with me too, for four years.

Le Duc Tho: But after the discussions there is always comradeship between us. After discussions it is colleague-ship between us—you and I—and after the war probably there may be some more discussions, about other questions.

Dr. Kissinger: But after the war there will be such a relation between us that no more discussions will be necessary.

Le Duc Tho: Sometime.

Dr. Kissinger: We will meet in a spirit of reconciliation and concord without coercion or aggression from either side.

Le Duc Tho: You are the philosopher. You should know that in many things there are contradictions, but there is unity too.

Dr. Kissinger: You see, you Vietnamese have such subtlety that I sometime miss your meaning. When I read this provision about the DMZ, I am not sure if you are respecting it or abolishing it. Not that you would have any such intention. But unintentionally you might bring this about!

Le Duc Tho: I have this sentence. Then I propose a break. The most important provision regarding the DMZ is that the PRG will no longer accept the introduction of troops, war materials and weapons. This is the greatest respect of the DMZ, and there are other things. The main thing is that, and this point is written in Article 7. And your protocol proposes an international control in that region.

Dr. Kissinger: Are you going to accept it?

Le Duc Tho: We will discuss that. [Laughter]

Dr. Kissinger: You're an optimist. Let us have a break.

[The group broke at 4:55 p.m. and resumed again at 5:45 p.m.]

Dr. Kissinger: Does the Special Adviser have any other comments on any of the other points that I have made?

Le Duc Tho: I have finished my statement.

Dr. Kissinger: Mr. Special Adviser, let me make first a specific comment on the three changes you wanted in what has already been discussed.

First, with respect to Laos and Cambodia. You said that Article 20(a) you would like to change to—let me just read it to be sure I understand it—“The parties participating in the Paris Conference on Vietnam shall strictly respect the 1954 Geneva Agreements on Cambodia and the 1962 Geneva Agreements on Laos and shall strictly respect the Cambodian” and so forth. Is that how that now reads? Is that correct? That is how it will read with your deletion? Is that correct?

Le Duc Tho: Agreed, the formulation.

Dr. Kissinger: Yes, I understand. I just want to make sure. We accept this. So we have settled one thing this week.

Le Duc Tho: But it is a return to your proposal.

Dr. Kissinger: I thought it was a sign of good will.

Le Duc Tho: This is a change in accordance with your proposal. It is a good will from our part.

Dr. Kissinger: Shall I withdraw it then? Shall I go back to the other? I don't want to find this on the next list of unilateral concessions that the DRV side made to us. [Laughter] Of course, this gives me hope. At this rate it will take only three years for most of the outstanding issues.

Now with respect to Article 1, this is a matter of great personal feeling for the President, which I have no authority to accept. Because you say that when we say “South and North Vietnam shall not use force against each other”, you say that this implies that you are aggressors. That was not our intention. But to begin a major agreement, the first in his new administration, with a first chapter standing by itself that singles out the United States for special mention certainly has the implications which you pointed out. What we could do is to leave the changed article and add a footnote which says “The U.S. recognizes that it is a country.” I said this as a joke. Because if you want to . . . if you say . . . see, for legalists, I am sure what happened is that your Foreign Office said we would avoid these obligations by saying we are not a country and therefore don't have to respect these obligations.

Le Duc Tho: This is our thinking! [Laughter] I admit that you are true when you say this.

Dr. Kissinger: That we would claim we are not a country? We could list all the countries in a footnote! But it is for us not primarily a substantive question, because as the Special Adviser has often pointed out, we are prepared to “respect the independence, sovereignty, unity and territorial integrity of the Vietnamese people as recognized by the 1954 Geneva Agreements on Vietnam,” but to single us out the first article is very difficult for the President and, indeed, this is one of the issues that he wanted me to raise in Hanoi had I reached Hanoi. So I will have to consult the President tonight about his reaction to this proposal.

Now let me get to the question of the DMZ. A study of your history convinces me that you are not inevitably deflected from your purposes

by a document. Our military people in the northern part of South Vietnam last year were under the impression that several hundred tanks managed to get across the DMZ even under its old statute. That is in addition to the ones that were in An Loc, about which I have already discussed with the Special Adviser.

So what is it that we are trying to do in these sessions? Because if we keep a scorecard of who makes what concessions, it will not really advance us very far. We are trying to demonstrate to our critics at home and to our allies that we are not signing a document that simply is a more sophisticated form of turning over the situation to our opponent, but that we are signing one that provides the basis for a genuine peace. We have differed with our allies in Saigon on one issue: They have asked us to support an absolute assurance of security which we believe can be attained only by absolute insecurity for their opponents. We have told you at these meetings over many years that we would not support total victory for Saigon. All we wanted was to give the existing forces in South Vietnam a reasonable opportunity on either side. Now at the same time we cannot sign an agreement whose objective tendency will be not to provide this reasonable security or reasonable assurance.

We have been accused of neglecting the question of your troops, and you have answered us that this will be taken care of under the provision for demobilization. We have been accused of not keeping in mind the integrity of the area. Now what is it really that we have asked? We have asked for some specificity on the demobilization provision, of the same kind that has been provided in every other paragraph in which something is supposed to happen in the future, namely a three-month period for discussions. You have not yet replied to this, so I don't know what your answer will be.

With respect to the DMZ, the practical consequence of your proposal seems to be to abolish the DMZ. Because unless I misunderstand your proposal, it is to say that "South and North Vietnam shall respect the DMZ" but that first there has to be a discussion as to just what that DMZ is. So the practical consequence will be that there won't be one until there is an agreement, and this is why that second clause presents us with extreme difficulty.

Now take our sentence that "South and North Vietnam shall not use force against each other." We do not insist on that one sentence. We have tried many variations. We have avoided mentioning the North Vietnamese forces; we have avoided asking for the withdrawal of "non-South Vietnamese forces;" we have even dropped the phrase "native places," even though there is a certain logical inconsistency in saying there are only Southerners in the country and you cannot mention returning to their native places. What we have looked for is for some

phrase somewhere in the document, in the most abstract way possible, to express the decision that South and North Vietnam will live in peace with each other and settle their problems in peace with each other.

As I explained to the Special Adviser yesterday, and I must repeat myself, if the Vice President goes to Saigon to present an agreement that we have reached, he will find that many provisions will be extremely objectionable. What we have asked for is some minimum that enables us with reasonable conscience to say that minimum concerns have been met but that the rest of them cannot be met by the United States. If now even the clause on the DMZ is changed, what concrete thing is there left at all to point to? So this is the problem we now have and to which I do not have a solution.

I will discuss with the President the issue of Article 1, which only concerns his feelings and his dignity, and in many ways it is easier for us to give up on matters that are only offensive to us—though I would not consider it the best way to start a new relationship. But even though we have progressively reduced our proposals over the last two weeks over what is, after all, a rather crucial matter, it has not resulted in coming up with an agreed formulation. So this is what we face now—in addition of course to the word “administrative structure” which we have communicated to you on innumerable occasions starting with October 23.

Le Duc Tho: Have you finished?

Dr. Kissinger: Yes, Mr. Special Adviser.

Le Duc Tho: When I compared the responses to your proposal I have made with all the points on which you have not responded to me, I only brought out a fact, because I have responded to many of your proposals when you did not respond to my proposals. As I told you yesterday, I understand that you have some difficulties, but we have our difficulties too, and you have understood our difficulties. Now I will speak to your specific points you raise one by one.

Dr. Kissinger: Please.

Le Duc Tho: First, I would like to speak on the two questions I agreed to last week and I propose some amendments.

Regarding Laos and Cambodia, I returned to your former proposal.

Dr. Kissinger: And I made the concession of agreeing.

Le Duc Tho: So nine of your proposals, I have responded to 7 already. There remains only 2. Actually your proposal regarding the DMZ I have responded to it. I only add something to it for future discussions of North and South Vietnam. I have made the statement that we will respect the DMZ but the statute of the DMZ will be discussed by the two parties, the two zones. It does not mean that we want to return to the state of war.

Moreover, the origin of the war does not stem from our side. When you have scrapped up the Geneva Agreement then these agreements no longer have value. When our land is subjected to aggression it is our national obligation to oppose this aggression, to liberate our country. It does not mean that we now want to use force against each other. Because when the roots of the war no longer remain, there is no reason for North Vietnamese to go and to fight South Vietnamese—unless our people in South Vietnam is once again submitted to aggression. Then the people over the whole land will stand in force again and fight against them. Therefore, it is not necessary to write that North and South Vietnam shall not use force against each other.

Moreover, in Chapter V there is a provision stipulating that “the reunification of Vietnam shall be carried out step by step by peaceful means on the basis of discussions between North and South Vietnam, and without annexation or coercion from either side.” I think it is utterly adequate when we have such provisions. So it would be hard to understand if there is word saying that “the two sides will refrain from using force against each other,” and this will give the vague impression or understanding that maybe in the past North Vietnam has made aggression against South Vietnam.

Dr. Kissinger: Or maybe South Vietnam against North Vietnam?

Le Duc Tho: Therefore such a sentence is not necessary now.

Now regarding the reduction of military strength and demobilization of troops by the Vietnamese armed forces in South Vietnam.

Dr. Kissinger: I beg your pardon.

Le Duc Tho: Now regarding the reduction of troops or effectives, I think that this question will be discussed by the parties in South Vietnam and we maintain as it was.

Dr. Kissinger: Without three months?

Le Duc Tho: Without the three months.

Dr. Kissinger: Why?

Le Duc Tho: Because this question will be discussed and agreed upon by the parties.

Dr. Kissinger: Yes, but so will the political question and the prisoner question.

Le Duc Tho: We would like to maintain as it was and let the two parties agree on it, because it is a big question.

Dr. Kissinger: But all it says is they will “do their utmost.” And so is the political question a big question.

Le Duc Tho: For us the political and the military questions are both important. But in this connection we would like to maintain as it was because there has been too many changes. Since we have published,

when the agreement is published wholly our people will compare these two texts, and if there are too many changes it won't be . . .

Dr. Kissinger: But you never published the whole text; you just published a condensed version.

Le Duc Tho: It is right. It is correct that we published only the condensed version. But even for the question of the return of civilian prisoners, although it is not yet published, but when we publish this article it would not be easy for us to explain. As to the word "administrative structure," it is your understanding and conception of it, and we understand it in our way as I told you, and this is also very important questions for us. It is not a government. Moreover the stipulation for its task, for its authority, shows that it is not a government. It cannot be said to be a government. It is an administrative structure called National Council of National Reconciliation and Concord.

Dr. Kissinger: In English this sounds very good and that is why we accepted it. But apparently in Vietnamese the word "administrative structure" translates almost exactly the same as "administration for," which we had refused. It is the usual translation of it. Moreover from our first communication on October 23, once we understood from the interview in *Newsweek* what significance you were going to give it, we explained that this was totally unacceptable to us.

Le Duc Tho: But you agreed with us on 20 October.

Dr. Kissinger: On the English word "administrative structure," never on the Vietnamese word.

Le Duc Tho: But before that we have comparison of texts already.

Dr. Kissinger: Mr. Engel tells me that during the comparison of the texts we never agreed to that. We never even got the text, we didn't get the text in Vietnamese until we were in Saigon.

Luu Van Loi: On that day you said that you can keep the English word; we keep the Vietnamese word. He did the task of comparing.

Mr. Engel and Mr. Lord [to Dr. Kissinger]: We never agreed to that.

Dr. Kissinger: My people tell me that they never agreed to the Vietnamese text.

Le Duc Tho: Now I would like to recall the whole process of negotiations with you, and then we had a comparison by our experts. Moreover, here is an administrative structure; it is not a government. In Vietnamese language there is two different meanings, an administrative structure and a government.

As to Article 1, many American personalities make the statement with regard to respect of the Geneva Agreement and so on. Moreover, this will have only good result when the agreement is published and our people read the provision. They will have confidence that after so many years of war now the U.S. pulls out and respects our independ-

ence. Then there will come to have good relationship between our two countries.

Dr. Kissinger: Of course the President didn't get reelected in Vietnam, and I have the impression he wouldn't get 61 percent of the vote there. I have a lot of provisions that would make a terribly good impression on the American people, if you would like to consider them, Mr. Special Adviser.

Le Duc Tho: You see, you have raised many questions, 9 proposals, and we have responded to 7 of the 9, but regarding the question of the DMZ we would like only to add one sentence. As to another point, Article 1, we would like to maintain the provision as it was.

Dr. Kissinger: I told you I would put this to the President. I have no authority to change it.

Le Duc Tho: So regarding the question you have raised, this is my views I have expressed to you. If you disagree to our amendment to the provision regarding the DMZ we could return to what it was before the amendment—drop this sentence on the DMZ. But if you want to add the DMZ, then it should be added the sentence "The two zones will discuss and agree on the statute of the DMZ."

Dr. Kissinger: Of course, now that it is known that this clause had been added, its omission would have very great significance.

Le Duc Tho: You can keep it but we would like to add one more sentence.

Dr. Kissinger: Yes, but the additional sentence has the effect of abolishing it. You will respect something, but the something has no status but will be given it only later, perhaps by Madame Binh. Moreover, I have the impression that even now the forces located south of the DMZ will not defend it with the greatest intensity against the forces north of the DMZ.

I think the Minister has understood me. Would you explain to the Special Adviser?

Xuan Thuy: I understand you and I am not pleased, because you speak in a very imaginative way and there is much significance in your sentence.

Dr. Kissinger: I tell you I have worked with Vietnamese for many years. I will write poetry next. [Laughter] Maybe we should have tried this agreement in poetry and have the Minister draft it.

Le Duc Tho: When the agreement is signed maybe the agreement will be turned into verses, for the easy memory of people.

Dr. Kissinger: An epic poem. I have told people that when the Special Adviser gets very angry with me he starts launching into epic poetry. I heard two epic poems before the break.

Le Duc Tho: I never make poetry on this subject.

Dr. Kissinger: Well, my difficulty, Mr. Special Adviser, quite honestly, is that I have given you what after very long exchanges with the President he has said is our minimum position, and if we cannot agree on it I will have to talk to him. It is an unusual position for me to be in, but it will show you the intensity of his convictions on the subject. I have not raised Article 1 with him, because I don't want to raise extraneous subjects, but I will raise that tonight. To show you my ignorance of Vietnamese conditions, Mr. Special Adviser, I read the *Nhan Dan* editorial on the way over—in English of course—and it made some reference to this article and I thought the editorial writer was lagging in time behind the Special Adviser and had not been properly briefed. I forgot that your journalists are a little better disciplined than the crowd we have hanging around outside.

Le Duc Tho: But if we look into the American press they have been discussing the subjects much, much more.

Dr. Kissinger: No, no, I am not criticizing you. Our press has been disgraceful. They go around all over Washington and the less people know the more they tell them. You are quite right. I feel very badly about the way our press has behaved, and your side has preserved, since our last conversation, very strict discipline. I have been told Mr. Special Adviser, by the journalists, by Mr. Randal—or not by Mr. Randal, by his editor,—that the source who gave him the story last week is suddenly totally without any information.

Le Duc Tho: In the press there are many articles dealing with the subjects of negotiations here. I have the impression there have been some leak, but I have not raised this action with you.

Dr. Kissinger: I appreciate it.

Le Duc Tho: So I come here for the purpose of negotiating with you. I do not want to refer to these questions. A great deal has been spoken in the press.

Dr. Kissinger: Much of it untrue. But how should we now proceed, Mr. Special Adviser?

Le Duc Tho: Mr. Special Adviser said that he has to consult the President. Please do this, and if you want to meet again then I am prepared to meet again.

Dr. Kissinger: All right. I will consult the President with respect to Article 1 and also with respect to the other outstanding article. Although I am certain I know his answer on the other one. And perhaps the Special Adviser can contact whomever he needs to contact to discuss what changes may be necessary on his side. What time should we meet tomorrow?

Le Duc Tho: In the afternoon, 3 o'clock.

Dr. Kissinger: 3 o'clock. Shall we meet in Neuilly where we met yesterday? In the jeweler's house?

Le Duc Tho: All right.

Dr. Kissinger: Now I wonder about the following, since we are down to very few issues now. We will either come to an agreement or not come to an agreement with respect to them tomorrow. Therefore it will not last very long, I would think, unless the Special Adviser has another epic poem. [Laughter] And I just wonder whether we should meet in a somewhat smaller group, maybe three on each side, plus an interpreter.

Le Duc Tho: All right.

Dr. Kissinger: Three. I will bring General Haig and Mr. Sullivan and an interpreter. And you exclude Mr. Thach. [Laughter] Every time I think we have an agreement he scribbles a little note to you. We finally have the Minister under control; now you brought a new reinforcement.

Mr. Thach: But Ambassador Sullivan is not behind me. Probably he thinks that all the changes come from me.

Le Duc Tho: At the next meeting please carefully consider our views. I have been expressing them for the last few days. We understand that you have some difficulties, but you should understand that we have also difficulties. We should both realize all these difficulties if a settlement is actually to be made. We have made the greatest efforts. For instance, the question of Article 8(c) is a very important question. I keep the provision as it was and I keep your undertaking on October 17. And when the agreement is signed and there is publication and our people read 8(c) as it is, it is a very great problem for us.

Dr. Kissinger: If our people read Article 1 they will never get to Article 8. [Laughter] At least yours will feel happy through 7 articles. But on the other points, Mr. Special Adviser, please consider our problem. It isn't simply a problem of Saigon. In fact, at this stage it is not a problem of Saigon; it is a problem of our convictions. When we attempt to line up the conservative element in America to support this agreement by sending the Vice President to Saigon, that is a very important step. But therefore it must be an agreement that has provisions that from our point of view meet their minimum needs. And when the President takes the very grave step of dissociating himself publicly from an ally, that too must be justified—not to our ally, but to our own people, after we have lost 50,000 men there. This is a very difficult matter for us. This is why we stripped down our proposals to the absolute bare essentials. And you recognize that overnight we made a very great effort. Although I recognize the Special Adviser doesn't like to give me any adjectives. [Laughter]

Le Duc Tho: Actually we have made a very great effort and it is almost our possible extent.

Dr. Kissinger: We are both in this position now, and let us see whether when we meet tomorrow with one more attempt we can finish it.

[The meeting adjourned at 7:00 p.m.]

36. Memorandum of Conversation¹

Paris, December 8, 1972, 3:05–7:20 p.m.

PARTICIPANTS

DRV
 Le Duc Tho
 Xuan Thuy
 Nguyen Co Thach
 Nguyen Dinh Phuong (Interpreter)
 U.S.
 Dr. Henry A. Kissinger
 Major General Alexander M. Haig, Jr.
 Ambassador William Sullivan
 David A. Engel (Interpreter)
 Mary Stifflemire, Notetaker

Dr. Kissinger: Mr. Special Adviser, today could be a very important meeting because I think we have reduced the issues to a very few. And we should make one more effort to see whether we can resolve them. And then to pursue the normalization of our relations with the same tenacity but greater speed than our previous discussions. I spoke

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 859, For the President's Files (Winston Lord) China Trip/Vietnam Negotiations, Sensitive, Camp David, Vol. XXII, Minutes of Meetings, Paris, December 4–13, 1972. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at 31 Boulevard de la Saussaye, Neuilly-sur-Seine. All brackets are in the original.

According to Kissinger's report to the President, this meeting was "a brutal four-and-a-half hour session." (*Foreign Relations*, 1969–1976, vol. IX, Vietnam, October 1972–January 1973, Document 151) Tentatively, however, the outcome was positive. In his memoir, Kissinger wrote that after the meeting, "we were now down essentially to two issues: the DMZ and American civilian personnel. Compared with what had already been settled, these could be dealt with in one session provided the desire was there. On this assumption I asked Haig to return to Washington. If we settled on December 9, I wanted him ready to leave for Saigon the next morning with the Vice President to obtain Thieu's concurrence." (Kissinger, *White House Years*, p. 1436)

The Politburo, however, remained unwilling to reach a settlement on those terms. A Politburo message to Le Duc Tho the next day commenting on the meeting and giving him guidance stated:

"The 8 December meeting reveals that even though the U.S. is being forced to withdraw from the war in Vietnam, they still want to achieve the best possible settlement for the U.S. and their puppets.

"We will not agree to any settlement that includes anything that might be interpreted as stating that South Vietnam is a separate country. This includes such wording as, '... the four countries of Indochina,' '... within the territories of North and South Vietnam,' etc. We must continue to demand the withdrawal of U.S. civilian personnel because this is an important aspect of ending U.S. involvement in South Vietnam." (Message from the Politburo to Le Duc Tho and Xuan Thuy, 9 December 1972, in Doan Duc, et al., compilers, *Major Events: The Diplomatic Struggle and International Activities during the Resistance War Against the Americans to Save the Nation, 1954–1975*, volume 4, pp. 357–358)

first yesterday and therefore I don't want to be impolite and speak again first today.

Le Duc Tho: Mr. Special Adviser. Yesterday you spoke last and I answered you and you said you would consult President Nixon. Therefore I propose that Mr. Special Adviser speak first today and I hope that you will make a great effort, then I will do the same and I will make an effort. Both sides will make efforts and probably will reach a settlement today. But on the contrary if you don't make any effort then there will be a deadlock. But I am convinced that if both of us, you and I, if both sides make an effort we can advance to peace. And if we fail it is something beyond our desire, it is some objective reality that leads to that.

Dr. Kissinger: I hate to call Madame Binh an objective reality. (Laughter) I hope she doesn't get a copy of my remarks. Do I understand the ground rules to be that I must make a great effort and after that the Special Adviser will make an effort? (Laughter)

Le Duc Tho: If I say so it is because I have made a great deal of effort. But that doesn't mean that if you are making a great effort I will make no effort at all. Actually both sides should make an effort because without effort we can't achieve peace.

Dr. Kissinger: I called on President Pompidou this morning and he asked me how the talks were going. It was a courtesy call. And I said to him that I don't know whether the Special Adviser and I will succeed in making peace but we will certainly become professors of church law if we do not make peace, because we have learned the fine points of theological discussion in the last two weeks.

Mr. Special Adviser, as I see it, first of all let me congratulate you on your ability to let me speak first again. I think in the four years of our negotiations you probably spoke first twice. (Tho laughs) I just want you to know that I acknowledge it when I am defeated.

Le Duc Tho: But according to Vietnam's custom and courtesy it is always the guest who speaks first.

Dr. Kissinger: But you are the guest.

Le Duc Tho: But it is a sign of politeness when we invite the other party to speak first.

Dr. Kissinger: Somebody once said that it is never clear how a Japanese gets through a door when politeness requires the other goes first. And you wouldn't even let them into Vietnam to supervise Article 6. It would have been an interesting question. (Tho laughs)

Le Duc Tho: Because the Japanese controlled Vietnam for four or five years already.

Dr. Kissinger: And you think the international force will control Vietnam? (Tho laughs) But as I see it we have the following issues:

We have the issue of the Preamble. We have the issue of “administrative structure”. Of the word “administrative structure”. We have our proposal to add the requirement of a 90 day discussion of the demobilization clause. We have our proposal to add the phrase that North and South Vietnam shall not use force against each other. We have your proposal to change Article 1 back to its original form. And we have your proposal about the statute of the Demilitarized Zone. Those are the outstanding issues as we list them.

Is that a fair statement of the outstanding issues?

Le Duc Tho: There is the issue of civilian personnel associated with military activities.

Dr. Kissinger: My impression was that you had withdrawn that.

Le Duc Tho: Article 8(c). I would like to speak a few words about it. Besides that I will have a couple of questions to raise with you.

Dr. Kissinger: Would you like to raise them now?

Le Duc Tho: Very minor questions. Only one question.

Dr. Kissinger: How about—would you like to raise it now?

Le Duc Tho: Let us discuss these questions. These are important ones.

Dr. Kissinger: Well, I have a little difficulty following your procedures because the other day you withdrew both your objections to civilian personnel and to Article 8(c) and now you reintroduce them again. So I am always in difficulty in terms of my instructions.

Le Duc Tho: Last time I dropped the question of Article 8(c) and the question of civilian personnel provided that the agreement had no changes in substance, only the details to be changed. And since you raise many questions I would like to turn to the question of civilian personnel on the basis of what you proposed yesterday. As to Article 8(c) I will not mention, will have not much to speak. I maintain it. Regarding 8(c) I would like to recall your commitment to Minister Xuan Thuy on October 17 and afterward in a message I sent to you and to President Nixon regarding Article 8(c). Then President Nixon in his reply . . . in this message I recalled your commitment to Minister Xuan Thuy and in his reply President Nixon expressed his satisfaction about the solution.

Dr. Kissinger: I think we should review, if we come to an agreement we should review all understandings to make sure that there are no misunderstandings with respect to them. And I don't actually have your message here. I mean I have it . . . I don't have it in this building. But let me make one general comment. If we come to an agreement it is very important that you and we understand each other precisely. We have made many agreements in the past which only were a prelude to renewed conflict. After all this suffering on both sides when we

come—if we come to an agreement today we should then spend tomorrow going through the understandings very carefully, everything that has been exchanged so that each side knows precisely what it can expect of the other. And also if we come to an agreement today or whenever we come, but if we come to an agreement today I will ask General Haig to return to Washington immediately with the text to review it paragraph for paragraph with President Nixon and to explain it to him in the context of our discussions. Because that is not easy to do by cable. And the French probably listen in on our telephone. (Tho laughs) And I will stay here to go over the understandings and to begin discussing the protocols and then General Haig will confirm to me the text before I leave here.

I say this only to indicate that while we must struggle hard while we discuss, we should then be very serious when we implement.

Le Duc Tho: If there is satisfactory agreement we will sign it immediately and we will strictly implement it and you should do the same.

Dr. Kissinger: That is our intention. But if I send General Haig back to Washington, whom will you send back to Hanoi? (Vietnamese laugh)

Le Duc Tho: But after our settlement here I will return to Hanoi only when you go to Hanoi. But you should not do as the last time.

Dr. Kissinger: I think the best thing is if you come to Washington and escort me to Hanoi to make sure I won't be stopped again. (Vietnamese laugh) But let me then go to the issues. With respect to the phrase "administrative structure." As I have pointed out on many occasions we do not consider this a change or a concession. And it is truly impossible for us to agree to a word that has any connotation of government in view of the many statements that the President has made on that subject and in view also of the record of the negotiations. So if you cannot . . . if you feel that you must use that, you cannot use the Vietnamese word that we have that expresses our meaning, we have two choices: we can either together seek a new word, or we can drop the phrase "administrative structure" altogether. And if we do that we can each give newspaper interviews on the true significance of the meaning. (No one laughs) I meant this sarcastically. This is not a proposal. I think you have used up your quota of interviews on this subject. (Polite laughter) With respect to our proposal that the subject of demobilization should be discussed within a three months period, we believe it is fair because every other discussion that is mentioned in this agreement has this requirement attached to it. It is not an obligation to finish it but simply to make an effort to have a discussion.

With respect to our proposal that North and South Vietnam shall not use force against each other . . . (Tho confers with Minister Thach) I think the Minister has just advised you to agree.

Le Duc Tho: He only advised me to refuse.

Dr. Kissinger: I believe it.

Le Duc Tho: Ambassador Sullivan does the same thing.

Dr. Kissinger: He has been assigned to me because people think I listen to you too much. One of these cubes of sugar has a microphone in it so I know what you gentlemen are saying. (Laughter) With respect to the— You know, I think the Minister is reading my notes in the mirror. (Laughter)

Le Duc Tho: But if he saw it he did not understand.

Dr. Kissinger: He paid me a great compliment yesterday. He said I had a very imaginative approach to the DMZ.

With respect to the clause that says that North and South Vietnam shall not use force against each other to us it seems a very natural thing to affirm. And it is also a matter of great importance to our allies. And we have noticed that you have constructed your concessions very carefully in order to have very few for our allies—by accident, not by lack of good will. I probably misunderstood the intentions of the Special Adviser and if I did I owe him an apology. But in the interest of speeding the conclusion of our discussion we are prepared to withdraw this, if you are prepared to restore the sentence about the DMZ as it was last Thursday. That is to say with the phrase that the DMZ will be respected by both parties. That is not a very great concession for you considering the realities of the situation, which the Minister has understood.

Le Duc Tho: This is a great question.

Dr. Kissinger: But in the light of the fact that we have already communicated this and in the light of the fact that we also have some absolute minimum necessities we ask you to look at your proposal of yesterday again.

With respect to Article 1 this is a very painful problem for us. Now we recognize that when you say “all countries” that involves about 150 countries. (Laughter)

Le Duc Tho: Because it is too large a world and one doesn’t know which country will respect, which country doesn’t respect.

(At this point General Haig hands Dr. Kissinger a message.)

Dr. Kissinger: Do you mind if I read this? (Tho indicates he does not mind.)

So of course you recognize that by eliminating “all countries” you deprive yourself of protection against Mongolia and North Korea. But we suggest that we say “the parties”; that reduces it to four. (Laughter) We have made . . .

Le Duc Tho: So the DRV will respect the DRV.

Dr. Kissinger: We have no better idea on the Preamble than the one we gave you in which the United States is prepared to sign a Preamble that mentions the PRG.

These are our proposals and they are very difficult for us.

Le Duc Tho: You have finished, Mr. Special Adviser?

Dr. Kissinger: Yes.

Le Duc Tho: Today when I arrived here you said that we will hasten the settling and conclude our work here. But among the five questions you have raised there is no change to these five questions. Except for the question of non-use of force by North and South Vietnam against each other. You have dropped it. So you have dropped what you have added, so it is not a concession. This was not written in the agreement when we agreed to it. As to the other questions, you maintained your stand. So you have not responded to our proposals. Then how can we speed up a settlement? For if you maintain your proposals as they are now then we will maintain our proposals too. Because I told you yesterday that if you make an effort to respond to our proposals then we will make an effort and respond to your proposals too. We have responded to your requirements on many questions. But you have not responded to any of our questions. So it would be difficult to find a way out from these negotiations. Then we will fall into a deadlock whether we want it or not. Because it is a reality, a fact. You have your principles. You have also proposed specific questions. We also have our principles. We also have our specific necessities. You told me that you respected our principles and then you require me to respect your principles too. I rearranged Article 8(c), but in respecting your principles we have agreed to keep Article 8(c). Then you should also respect our principles and keep the questions of principle I have raised. Thus how can we settle the war in Vietnam? Even if I wanted to make an effort I will be unable to do so. If one side is asked to make an effort and to respond to the requirements of the other side without receiving efforts and a response from the other side, then there is no fairness at all. You have been negotiating with me for a long time; you understand what is reciprocity. If only one side moves, then it cannot do.

Therefore the other day I said that there were two ways of settling the problem. One is to return to the former agreement and only the details can be changed. Second, to amend the agreement both for important questions and for minor questions. Which way of negotiating do you want? I said that the best way is the first one. It is the most rapid way. The second way would take time because if you ask for changes I will also ask for changes. You have your principles, we have our principles too. If you choose the second way and change the agreement, then I told you the other day that I was prepared to do so

too. But the changes if they are being done should be done on the basis of respect for each other's principles. And then on this basis discussions will be held. And if we choose this way of bringing about the changes there should be reciprocity. If you concede to me on this question I will concede to you on another question. We do not prefer the second way. It is your proposal to bring changes. These changes are made because of your own requirements, and partly to meet the requirements of the Saigon people. But these changes are not called for by the difficulties caused by the interview given by Prime Minister Pham Van Dong to *Newsweek* or military activities in South Vietnam. The interview by Prime Minister Pham Van Dong was a normal one. And the PRG's military activities were also normal activities, just like in other periods. So the cause for you to bring about these changes is your own requirements. But if you want changes, I agree that you ask for changes. This is one way of negotiating. But as I said, this second way of negotiation contains difficulties. Then there will be the possibility that we will overcome these difficulties. There is a possibility that we succeed in overcoming these difficulties, but there is also the possibility that we can't overcome these difficulties. Each side has its own principles. Principles cannot be overlooked. Therefore if there is no serious intent and no great effort then there is no settlement possible. If on the one hand you make proposals and you ask us to respond to these proposals and on the other hand you did not respond to our proposals this is—I have said this in a very straightforward way. If now we review all our negotiations here and if we review all the problems raised here, then it is evident that all the changes have been proposed by you. As for us we have not proposed any changes. And if these negotiations come to a deadlock you should draw on past experience. The past experience is that there is no reciprocity. The past experience is that we will respect your principles but you don't respect our principles. You ask for changes on very major questions of ours, then we should also ask you to change your major questions. But when we dropped our major questions, very great questions for us, for instance, the question of 8(c), then the changes you propose involve our very great questions and we ask you to drop it, you did not agree with that. If we want now to end the war and to restore peace then both sides should respect each other's principles. Both sides should realize each other's necessities and difficulties, and to bring about a reasonable and logical solution in the spirit of reciprocity in a very correct way, with no coercion from either side. Only thus can we settle the problem. Otherwise the negotiations will fall into a deadlock. If you make a great effort then we will make an effort too to settle the problem.

Dr. Kissinger: Just in principle, give me the adjective.

Le Duc Tho: Let me go on. If you make a great effort then we will make a great effort. If you make an average effort, then we will make

an average effort. If you make a little effort then we will also make a little effort. It is fairness. Therefore if we don't come to a settlement the responsibility lies on your side. Please try now a great effort to see whether we will respond by a great effort or not. I will frankly tell you this. But with the way of dealing with the question as you have adopted now, raising various questions, no settlement will be possible. We have done our utmost so far. It was an effort of mine when I came back here again. We should have kept the agreement unchanged, except a few details. Now I told you there are two ways of negotiating. If you want to change I agree to find out the solution. You ask for changes, I have also the right to ask for changes. I agree with that if you want to follow the second way. But now you ask for changes and ask me to respond to your proposals, but on your side you did not respond to our proposals. You have said that you made a great effort. But actually this is not great effort at all. What shall I tell you now? All my proposals remain unresponded to—all of them. The way you evaluate the question of the Demilitarized Zone is not correct. You understand that the question of the DMZ is a major question, but you belittle its importance to me.

Dr. Kissinger: I don't belittle it at all. We disagree not because we misunderstand each other but because we understand each other only too well.

Le Duc Tho: You say in the press and the Saigon news how you insist on the DMZ. But once you proposed the question of the DMZ, I responded to you. I only want to add another sentence.

Dr. Kissinger: Which destroys the previous one. (Laughter)

Le Duc Tho: So I can say that you have not responded to our proposals. If you give me a response now I will respond to you immediately. (Dr. Kissinger laughs) If you don't, we cannot do it. I have responded to many of your proposals.

Dr. Kissinger: If I understand the Special Adviser he is saying that if I accept all of his proposals he will respond by saying yes. (Laughter) Probably not, because he will probably think it's a trick. Let me say this, Mr. Special Adviser. I have negotiated with many people and I must say you are the most skillful negotiator I have encountered.

Le Duc Tho: No, I am only a frank speaker only.

Dr. Kissinger: No matter what proposal I make, no matter what concession I make, within five minutes after I am through speaking I am on the defensive explaining why I have just taken something away from you. In fact, the Special Adviser's technique is to produce such a condition of psychological pressure that when he returns to normal negotiations one considers that a concession and one is relieved. (Laughter) So when the Special Adviser teaches at Harvard I recom-

mend that rather than the course we had planned on Marxism and Leninism he should teach diplomatic tactics because we are an underdeveloped country compared to you in that respect. That will be part of the exchange that we will start after peace is reached. Now let me sum up again our necessities. And then I suggest a little break.

We have first of all the interview of your Prime Minister, whom I respect greatly ever since I read the interview he gave to Harrison Salisbury in 1966 or 1965, whichever it was, I forget, but it did have a major impact on us. It was a very brilliant interview. He said if I remember it correctly, it isn't true that there are more Americans than Vietnamese as far as the Vietnamese war is concerned because, he said, there are more Vietnamese willing to die for Vietnam than there are Americans willing to die for Vietnam. So in 1965, not recently, that was very early in the war. So I take him very seriously. (Interpreter explains to Tho.) It was a very profound statement. But until he gave his interview with *Newsweek* we had not understood in which way the word "administrative structure" was going to be used by you. We are not challenging his right to give the interview, but as far as we were concerned we had never agreed to the use of the word "administrative" in the governmental sense. So this is not a concession we are asking from you. That is the significance of the interview.

So this is a very great issue of principle which we thought we had settled in October. It is not something we raised afterwards. We have included it in every communication to you. We stated it publicly and it was not a frivolous statement on our part. Now I am not arguing; I am not debating this with you. I am trying to explain what the issue is for us. So when we are asked now to agree to a document and to take the very difficult step of presenting it in Saigon it is necessary that at least some of our absolute minimum conditions are understood. And frankly I believe that is in our common interest, yours and ours. You take the problem of your forces in the South. It is a very grave question for us and I recognize it is also an issue of principle for you. It could make the whole agreement become very difficult to implement and yet we have gone to very great lengths to meet your point. If now that one sentence about the Demilitarized Zone to which we agreed last week and which we have already communicated disappears, it is going to be nearly impossible for the President to maintain the minimum moral position he requires to implement this agreement rapidly. You cannot measure this by saying you have raised 5 questions and we have raised 3 questions because what is asked from you. And I am speaking openheartedly, not negotiating, because we will either come to an agreement in the next hours or we will have to recess. So this is our problem. But if you agree let us take a brief recess and let us make another effort after the recess, but I know the Special Adviser wanted to say something before.

Le Duc Tho: Let me say one thing. I do not want to debate with you on the interview by Prime Minister Pham Van Dong. What I wanted to say is that the reason for you to propose the changes is not because of the interview by Prime Minister Pham Van Dong or the military activities in South Vietnam, but because of your desire to make the agreement conform to your interests, and partly to the requirements of the Saigon people. I speak frankly. I acknowledge that you have some difficulties with the Saigon people. But you should also understand that we too have difficulties on many questions regarding the agreement. The question of the Provisional Revolutionary Government, the mention of the PRG and of the signing of the agreement. You have not heeded our difficulties. You only raise your difficulties but you do not heed our difficulties. I realize too that on a number of questions you have difficulties with the Saigon people. But we too have a number of major questions which are very difficult for us with regard to our people and to the PRG. We have been fighting against you for over 10 years. Now if the role of the PRG is not defined in the agreement, do you believe that we can present the agreement to our people? Now the question of the detainees. It is also a major question for us but now we agree to what has been agreed with you. And this question has not been published yet. If now it is published imagine what influence it will have on our people. So you see only your difficulties. But you don't see our difficulties. It is something obvious, something evident. I can tell you that we will never be able to accept an agreement where there is no mention of the PRG, and we will never accept the way of signing the agreement as you propose. At today's meeting I speak open-heartedly. If only this question is unsolved then it will be impossible to settle. As I told you if you make a great effort I will make also a great effort. If you settle the problem I will settle the problem with you. You will see if now you settle the problem and take into account our necessities you will see how reasonable we will be. I have been negotiating with you for a long time. You should have realized that. You should also realize the fact if you don't settle the problem in a reasonable and logical way we will never settle the problem with you. It is not a question of comparing the points you have conceded to me and those I have conceded to you. It is just a figure, but there is substance in the figure. Otherwise, I would not have compared them. But you have not given any response to our substantive problems. Let us have a break now.

Dr. Kissinger: I made a proposal to send the Minister back to Hanoi and you haven't accepted it. (Laughter)

(The meeting broke for refreshments at 4:30. The second session of the meeting began at 5:37 p.m.)

Le Duc Tho: Have you found any way out after so long a break?

Dr. Kissinger: Shall we wait for your colleagues?

Le Duc Tho: Yes, please.

Dr. Kissinger: Does this tape go to Hanoi?

Le Duc Tho: Not yet, we have to keep it some time here. We had no time to listen again to the tape. (Others return)

Dr. Kissinger: Mr. Special Adviser and Mr. Minister. We are down now to very fundamental issues. And we are so close to an agreement that in the margin that remains we are not talking about getting advantage for one side or the other. (Tho nods) What will determine our relationship in the future will be the kind of dealings which I hope to be able to start on my visit to Hanoi. If we speak frankly, the issues which are now left are issues produced by both of our allies. If it were not for that, those matters which you and we can decide as being in our exclusive areas we have pretty well decided. What therefore is before us is not just to have an agreement we in this room can agree on, but to have an agreement that this time can be implemented rapidly. If we agree to something with you and if with all pressure we cannot get Saigon to agree, then we will have months of controversy and continuation of the war. And if the war continues and if this agreement cannot be made, for whatever reason, when we negotiate again, as I said to you yesterday it will have to be in a different framework.

So let me tell you candidly what I think. First with respect to Article 1. We cannot begin a treaty with this provision as a separate chapter. It looks like a surrender. But we will accept the Article and make it the first article of Chapter IV. And in that case the present Article 4 is superfluous. I frankly do not have the authority of the President for this proposal but I shall urge it very strongly. We shall write it exactly as it is written, that is, "the U.S. respects the independence." This will be very painful to the President.

With respect to mentioning the PRG in the Preamble, based on my present knowledge, as I said to you privately, Mr. Special Adviser, and on the present agreement it will be impossible to get it agreed to. But we think we could make an enormous effort to get it accepted if we could find some phrase that we could point to that respects some of the principles of our ally. We have thought of two possibilities both of which you have already rejected but we want to put them before you to consider and maybe you have a better idea. One would be the proposal I made on Monday, to add to this sentence on the respect for the Provisional Military Demarcation Line the phrase "for each other's territory." Or the alternative—I am not recommending both, I am saying this is an alternative. If we could say in paragraph 20(d) in the chapter on Cambodia and Laos "the problems existing between the four Indochinese states."

And then if we could get “administrative structure” changed in some way, as I indicated. And the sentence at the end of Article 13 about three months. I think we have all three discussed it. We are certain we could then if necessary force Saigon into a rapid acceptance of the agreement. And I want to say one thing, Mr. Special Adviser, in all seriousness. I am not proposing this to take advantage of you or to conduct unfair negotiations. It is our realistic assessment of how a peace treaty could be signed within the next two weeks. And in any other course we would have again a massive uncertainty. Even this will require the most massive American pressure and the most serious American threats. But we are willing to listen to some counterproposal on that formulation we gave you. And we would agree to add the sentence on civilian personnel we gave you yesterday of course.

Le Duc Tho: Now let me speak about Article 1 regarding U.S. respect for the fundamental rights of the Vietnamese people. I would prefer to put Article 1 as it is now, but to take into account that not only the United States respects, we propose to write it, “The U.S. and all other countries respect the independence . . .” There is no need to change the place of the provision as you propose. Then I would like to write it “The U.S. and all other countries.”

Now regarding the Preamble of the Agreement. If the four parties sign the agreement, then we will mention the four governments. If the agreement is signed by two parties then it will be written: the DRV Government with the concurrence of the PRG of the Republic of South Vietnam, the U.S. with the concurrence of the Government of the Republic of Vietnam. If the agreement is signed by four parties there will be mention of the four governments. If the agreement is signed by two parties, then it will be mentioned the DRV Government with the concurrence of . . . The U.S. Government with the concurrence of etc. . . . If you accept to write the Preamble as I just mentioned, then regarding the word “administrative structure” in Vietnamese—as you know it is a very great question for us. We have dropped the three segment government. It will have a very great impact if we drop these two words—four words. But if you accept dropping the word, the four words “co can chanh guyen.” I will agree with you to put “will form the National Council,” etc. Thus you realize that if you respond to our necessities I respond to yours immediately. Because it is our question of concern, and I know that “administrative structure” is your question of concern. But what do you propose regarding the Demilitarized Zone and the military demarcation line? This is another question. Likewise your proposal regarding the respect of each other’s territory, or the four Indochinese states in Article 20(d) that you propose. We can’t accept that. Because when we put “the Indochinese countries” we have responded to your requirement already, because previously we put

“the three Indochinese countries” and you agreed to that and we have agreed on that. But then you proposed an amendment to write “the Indochinese countries,” which we accepted on November 20.

Dr. Kissinger: I remember.

Le Duc Tho: And I agreed to you. It is a show of good will on our part because we understand the significance of this question. So it was formerly written “three Indochinese countries” and now you prefer “the four Indochinese states.” So we should say an average, a middle of the way solution that is “the Indochinese countries.” So it is already a logical and reasonable solution, “the Indochinese countries.” I told you this from the very beginning. I accept any reasonable and logical settlement immediately. I do not want to drag on the debate or the haggling.

Even the DMZ is an important question, but I agreed to you last time already. So I have proposed a satisfactory solution. But what I propose is that the two parties, north and south, will agree on the regulations for movement across the DMZ. So after the ceasefire the two parties shall respect the DMZ but at the same time they have to agree on the statute of the DMZ because the situation is different now. So I have responded to your requirement requiring the DMZ but at the same time I would like that discussion should be had on the statute, because at the same time they respect the DMZ they will discuss it. And moreover when the ceasefire becomes effective then there will be international control at that point. We will discuss the protocol. The two parties are prohibited from introducing troops, armaments and war material into South Vietnam when the agreement is signed. We will not do that. But for the movement in this region there should be some regulation because it is different now from what it was before. Because in the past there were two hostile parties; now it is different. There should be discussion. Because the main purpose of the DMZ is to prevent both parties from introducing armaments and war material. Because there is Article 7 of the agreement that the two South Vietnamese shall not accept any introduction of troops, armaments or war material into South Vietnam. The PRG will respect this provision. The Saigon administration will respect this provision. Moreover, there is the International Commission which will control the implementation of the provision. So when I take into account your concern and accept the mention of the DMZ you should also take into account my concern and accept adding the sentence I have just mentioned. So on the question of the DMZ and the question of the three Indochinese countries we should find an average solution acceptable to both. These are the points to which we think we have brought a correct solution.

Now regarding the demobilization within three months, here is my view. It does not mean that when we proposed the question of

demobilization that we will not carry out this provision. We can add a sentence "The two parties will complete these steps on the reduction of effectives and the demobilization as soon as possible." We propose that because the real situation is as follows. While U.S. forces have not yet withdrawn the political situation in South Vietnam is not yet stabilized. It will be stabilized within three months if the Saigon administration fully implements the agreement. It would be unrealistic if the reduction of military strength is carried out during this period. So I would let this question to be solved by the two South Vietnamese parties, but these steps should be completed as soon as possible. So I have offered a middle of the road formula. You should also realize the real situation. When we implement the agreement we will carry out this provision on the reduction and demobilization of troops.

Now regarding the question of civilian personnel. We propose to add one sentence. I would like to add a sentence about the foreign civilian technicians in the armed forces of the Republic of Vietnam. At the beginning of the last sentence of Article 5. But I would like to have a unilateral understanding with you regarding this provision. I would like to have a unilateral understanding as follows: American and other foreign civilian personnel in the armed forces of the Republic of Vietnam will be withdrawn from South Vietnam. The greater part of them will be withdrawn from South Vietnam within 60 days and the rest will be withdrawn within 120 days after the signing of the agreement. It stands to reason that after the end of the war all civilian personnel associated with military activities should be withdrawn because you end your involvement in South Vietnam. By taking into account of your situation I have accepted that the greater part of the personnel of your forces will be withdrawn within 60 days but the remaining will be withdrawn within two months later, that is in all four months after the signing of the agreement. So on the questions you have just raised, I have pointed out our concrete proposals.

Dr. Kissinger: Mr. Special Adviser, there is one aspect in our negotiations that just when one thinks one is practically finished with the agreement something happens that makes it practically impossible. First let me make a comment with respect to civilian personnel.

Le Duc Tho: Please.

Dr. Kissinger: There is a sort of a fever chart in these negotiations which, like malaria, keeps going up and down and which never seems to be finally resolved. [Laughter]

Le Duc Tho: We have made some progress. It goes up all the time.

Dr. Kissinger: And the Special Adviser is so subtle that no concession of his is ever final and nothing he withdraws is ever fully withdrawn. I admire his skill. He finds a difficult point or a sore point and he sticks in a pin and then he asks for a reward for pulling it out

again, and then he sticks it in again and this process gets repeated indefinitely. [Laughter]

Le Duc Tho: It is not true.

Dr. Kissinger: It is about time we end our negotiations because I am beginning to learn many of the tactics the Special Adviser is employing. I was under the impression that the issues both of 8(c) and of civilian personnel had been settled two days ago and that we would then turn to other issues. Now yesterday afternoon I proposed some changes as a sign of good will without even being asked. I offered a change in the civilian personnel provision which happens to be the absolute maximum which we can make. I offered it without even being asked for it. It prevents us from assigning civilians to tasks which previously had been performed only by military. It prevents us from engaging in activities in which we are violating the spirit of the agreement. Now as for the civilians that are there they are mostly technicians of highly specialized capabilities who are training South Vietnamese. Over a period of time most of them will be withdrawn—all of them will be withdrawn. There is no desire to have a permanent civilian presence in this country.

Le Duc Tho: What time do you prefer then? Because you have said that they will be kept there for some time. But there should be some time.

Dr. Kissinger: I can tell you that our people tell us two years. But they would be gradually reduced. Since you are so eager to maintain the previous agreement, under the previous agreement they were permitted indefinitely. [Laughter]

Le Duc Tho: If then you would leave behind tens of thousands of civilian personnel, how can you end your involvement?

Dr. Kissinger: We are not talking of tens of thousands of civilian personnel. The total number is about 1,300 who are government people and about 5,000 who have nothing to do with the government.

Le Duc Tho: So far as we know there are tens of thousands of American civilians.

Dr. Kissinger: Total nonsense. I can give you the exact figure and we aren't even playing games with you because if I wanted to I could say there are only a thousand government people which is true and the others are commercial. There are not tens of thousands. That is total nonsense. But I will give you the exact figures.

Le Duc Tho: But the information available to us, and in the American press too, it is said that there are tens of thousands of American civilians.

Dr. Kissinger: The American press has done more damage in the last few months with its stupid speculations than one would care to remember.

Le Duc Tho: Moreover it is not true when you say that we are approaching or nearing a settlement that an element arises and prevents a settlement. It is not true. Moreover, I dropped the question of 8(c) and the question of civilian personnel if the agreement was maintained as it had been and only minor changes are brought about. But since then you have asked for many changes. Among them there are significant changes. Therefore, I have dropped Article 8(c) but I retain the question of the civilian personnel because you have raised other questions.

Dr. Kissinger: Mr. Special Adviser, if this were purely a bilateral negotiation we could keep this up indefinitely and eventually we would settle. Because by proceeding in this way we would sooner or later find some position in which the various concessions balance each other off. But we are not negotiating bilaterally. I have tried to explain to you since November 20 what our actual situation is. Either we can go to Saigon with Presidential backing and say we have made an agreement which you do not like but which we believe is very fair and therefore regardless of consequences we will proceed. But we cannot do this if a significant part of our population believes that Saigon was right in refusing the agreement. If a significant part of our population does not believe this then they will think that we have acted totally morally incorrectly and nothing will happen. Then you can publish it again. We can start calling each other names again, but the result will be that we will conclude that the hostility between the Vietnamese parties is so great and that the complexity of making a comprehensive agreement between them is so great that this is a negotiation we will not again conduct. I am speaking very honestly to you. So we are not trying to squeeze you for another advantage.

What we proposed to you after we came back from the break was frankly our best judgment of what we could quickly, in a matter of days, obtain in Saigon. What you are proposing has the consequence of depriving us of support in America and then making it impossible to act rapidly if at all in Saigon, even assuming we wanted to do it. This is the fact.

What will determine the future of Indochina? First, it will be determined whether there is peace or war. We know the consequences of war so there is no sense talking about it. We can all make our guesses as to what will happen. We have debated it too often. If there is peace what will determine the future of Indochina? We know history will not stop the day the agreement is signed. We are not children. What will determine the future of Indochina will be the objective political tendencies in South Vietnam, in North Vietnam and in the other countries of Indochina. These realities cannot be invented; they either exist or they do not exist. Secondly, if we don't want to disengage from Indochina we would not make any agreement. Thirdly, if you and we

can establish more normal relationships, many of the problems after peace is made will have a completely different aspect. Because we will not look at each other any more as mortal enemies. In some categories we will cooperate. In all categories we will have a normal relationship.

In 1970 Americans thought of the Chinese as a nation of devils and if a Chinese diplomat showed up anywhere there was great agitation. Today we have a different relationship. And we can deal with each other much less hysterically. Today you and we are enemies. And we look at each other with great suspicion. If we make peace and if after peace we have wisdom, which is not always guaranteed, then in a year or two years we will look at each other differently.

So those are the real issues. And strangely enough, and probably you won't believe this, when we ask for some concessions we are asking for it in our common interest. We are asking for your help. The United States gets no benefit from whether North and South Vietnam write something that respects the DMZ under conditions in which the armies on both sides of the DMZ are not exactly hostile to each other, as the Minister has well understood. But it would strengthen both our domestic position with respect to the agreement and our ability to sell the agreement in an extraordinary way. I don't get any rewards in Washington from getting any concessions out of you. The best result for us is if we can get an agreement that we can convince Saigon to sign rapidly and that we can be convinced we ought to pressure Saigon to sign rapidly. That is what we are after. So this is the point at which we now are, where we can either have peace rapidly or engage in an endless debate which will later perhaps be studied by students of theology rather than diplomacy.

I am sorry if I have spoken at such length.

Le Duc Tho: Let me express a few ideas of mine. You have just said that you would no longer amend the Preamble of the agreement as we have agreed to. Then I responded to you immediately by dropping the words "co can chanh guyen," "Administrative structure, in Vietnamese, as you proposed. Regarding Article 1, about U.S. respect, I have also responded by offering a formula that was acceptable to you.

Dr. Kissinger: No it wasn't. I haven't discussed that yet because that is bilateral. But I will let you finish.

Le Duc Tho: Take the provision regarding demobilization. We did not want to change it, but we have added a sentence to show positiveness in presentation. On the question of civilian personnel, I raise it for us to discuss it. This shows that when you respond to our requirements, I also respond to your requirements. As I explained the other day, if peace is restored then it is in the interest of both sides. The other day I explained in detail. We know that you have your requirements, and there are points which are hard for you to explain to your

people. But we too, we have questions that would be hard for us to explain to our people. It is my expectation, my hope that after the settlement the relationship between us will become better and better. We envisage also the long term interests of both sides. Therefore we have made a great effort and you know that. I know that now a number of questions will have to be settled between us. We have already settled a number of them. It is now 7 o'clock already. I am a little tired already. Please, I would invite you to consider our views. I will ponder over your views and tomorrow we will meet again.

We need further consideration. But as I told you if you respond to me, I will respond to you. In this spirit tomorrow we will meet again if you desire that.

Dr. Kissinger: I will, Mr. Special Adviser, but please consider one problem. Of course you are a country of great dignity, which you have earned, and you have every right to demand strict reciprocity. But there is a reciprocity that is greater than trading one article against another article. (Tho laughs) And that is whether we can really now be colleagues in searching for peace. Because you have to measure now not only what you gain in this or that article, but what you gain by peace as against war. The only settlements that last are those where both parties in the long term believe that they benefitted from it. And if we haggle much longer, then events will have the great danger of running away from us.

We made an assessment, a genuine assessment of how we think we could within a matter of a few days get the agreement, the rapid agreement of Saigon. We presented it honestly to you, we really did. Now that can be modified here and there. But think it over in its structure.

Now let us talk about Article 1. I honestly had no authority to accept the text of Article 1. I was instructed prior to my last trip to Hanoi to suppress it on the basis of a personal appeal to your leadership in order to establish a better basis of relations. I think I can probably convince the President if we move it to another part of the document, if the rest of the document is acceptable. I don't think your test helps. In many ways it makes it worse because it singles out the United States among the whole list of countries (Tho laughs).

Le Duc Tho: Why has it become worse?

Dr. Kissinger: It becomes worse because you say all countries have to respect it but unless the United States is mentioned separately it will evade that responsibility. So this position of that article is really impossible for us. So I think it has to be changed and then it can stay where it is or it can remain as it is and then be moved. I am trying to tell you what the reality . . . I am trying to have you understand what the reality is. So we are at this point and the reason I reacted so sharply

to your civilian language is that it weakens even further the ability to affect the biggest problem we have, which is the mission which if you ever let General Haig out of here we will send him with the Vice President. So we are really beyond the point of bargaining. We are at a point where we have to make a decision whether to settle or not to settle. I think we understand each other now. But I accept what the Special Adviser said to me—tomorrow—where and when?

Le Duc Tho: Mr. Special Adviser. Let me express a few ideas. Then we shall meet tomorrow again. As to the position of Article 1, we maintain that it should be Article 1 at the beginning of the agreement because it deals with our independence, sovereignty, unity and territorial integrity. It overrides the whole agreement. Because if it is put in Chapter IV it deals with the Chapter regarding the exercise of the South Vietnamese people's right to self-determination, but here it deals with the whole of Vietnam. So the position of Article 1 at the beginning of the agreement shows that the United States respects these rights for both North and South Vietnam. It is our desire to make it more general when I propose the U.S. and all other countries. It is not our intention to make it worse. It is also an important provision for us. This is a provision we had agreed to before. But I received instructions from my government not to change it. Hanoi criticized me very sharply on this point.

Dr. Kissinger: I am being criticized every day.

Le Duc Tho: Mr. Special Adviser, please bring a correct solution to this question tomorrow. I will have a correct solution to your proposition. Because this provision deals with you only. It is not a difficult one and moreover we have put it "the U.S. and all other countries"—all other countries because it is an agreement between the DRV and the U.S. That is the reason I put it like that. You are right when you say that we should differentiate what is bigger from what is smaller. But we should both look into both the concrete, the details and the bigger significance. It would be incorrect if we dropped the details and only kept to the bigger things. But if we look into the details, keep the details but drop the bigger things it is also incorrect. We should harmonize the big and the small things, because they have an interrelationship—complete each other. It does not mean that we only see the details and we overlook the big things. Tomorrow both of us will make efforts. Time is over now. Now we will consider your views.

Dr. Kissinger: May I make one procedural point, otherwise I will have to prolong the meeting. The Special Adviser always manages to speak last so that he can make me speak first the next morning. If the Special Adviser, even though he spoke last today, will agree to speak first tomorrow, I will agree to adjourn. Otherwise I will have to make another statement. (Laughter) Is that agreed?

Le Duc Tho: We will decide this question tomorrow. I propose tomorrow afternoon, to have time to consider your views. Because if we meet in the afternoon we will have time in the morning. If we have a meeting in the morning then we will have a rest in the afternoon. I am confident that if we make an effort as we have done today, tomorrow we will make a bigger step forward, in a realistic spirit and taking into account of each others necessities, then the settlement will be made quickly. If not, it will be prolonged. Whenever Mr. Special Adviser gives me an appropriate response, I always respond to you appropriately.

We can sum up the situation now. You propose the change. I insist on maintaining it. This is exactly the situation. And I have responded to many of your changes. And you have not responded to our changes.

Dr. Kissinger: But Mr. Special Adviser, we are reaching the point where it will turn into a debating exercise. Tomorrow we should make an effort. If it doesn't succeed we should draw the conclusion that we can't settle it and then whether you made seven concessions and we made three isn't important—this isn't a football game. We have stated to you what we think frankly is needed to settle the matter rapidly. None of these proposals do us as a nation any good. We will look again. The only area we have any margin left is the area which affects our honor, but that is practically the only area where we can do anything. And I must be very honest with you—not on the civilians and not on the DMZ.

So tomorrow will be very decisive. Shall we have it a restricted meeting again?

Le Duc Tho: You want to insist what you pay attention to is the question of the DMZ and the question of civilian personnel. Is it true? It is so hard to understand you.

Dr. Kissinger: We cannot go any further than we have on these issues.

Le Duc Tho: So you pay attention to those two questions. Your concern is these two questions. But regarding Article 1 you may bring one change to it. I understand you can go further in Article 1.

Dr. Kissinger: I do not know. I have to discuss it with the President. But really, please, you look very carefully at what we proposed right after the break. It is in our view the surest means of getting a practically immediate settlement not from our point of view but from the point of view of the whole situation. It is the best way of avoiding producing a piece of paper that does nothing but produce another set of controversy. (Tho nods) And maybe you can find a better formula. We have no particular interest in any one formula. We are not as subtle.

Le Duc Tho: Now you have understood what is the point I wanted to have. And I have understood which point you want to have. Now we should try to find out formulas for these questions.

Dr. Kissinger: All right. Now where shall we meet tomorrow?

Le Duc Tho: It is a good place to meet in Gif sur-Yvette.

Dr. Kissinger: The French Government has asked me why we accept hospitality from the French Communist Party but not from the French Government. (Tho laughs) Yes, we will meet in Gif.

Xuan Thuy: You should answer that you have been received by the French President and the French Foreign Minister.

Dr. Kissinger: Yes, true, but not together with you. All I can say is whenever the Minister calls on the French Foreign Minister he confuses him even more than me. (Laughter) Good, we will meet at what time?

Le Duc Tho: Three o'clock.

Dr. Kissinger: All right. The whole group?

Le Duc Tho: Up to you.

Dr. Kissinger: Let everybody come. Otherwise I have a revolution on my staff. They all like to see me tormented. (Laughter) Will I tell the Special Adviser what his tactics are? I just want him to know I am on to him. I will aim for a point over here. Then he waves a red flag at a point over there. I charge like crazy at that direction and then he takes the flag away. I am terribly confused and I forget I wanted to go that way to start with. Like a bullfight. I have learned your methods, too late unfortunately. (Laughter)

[The meeting ended at 7:20 p.m.]

37. Memorandum of Conversation¹

Paris, December 9, 1972, 3–6:30 p.m.

PARTICIPANTS

Le Duc Tho, Special Adviser to DRV Delegation to the Paris Conference on Vietnam
 Xuan Thuy, Minister, Chief DRV Delegate to Paris Conference on Vietnam
 Nguyen Co Thach, Vice Minister for Foreign Affairs
 Luu Van Loi, Delegation Member
 Trinh Ngoc Thai, Delegation Member
 Tran Quang Co, Delegation Member
 Pham The Dong, Notetaker
 Nguyen Dinh Phuong, Interpreter

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 865, For the President's Files (Winston Lord)—China Trip/Vietnam Negotiations, Camp David Memcons, December 1972 [2 of 3]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at 108 Avenue du Général Leclerc in Gif-sur-Yvette. All brackets are in the original. Tab A is attached but not printed.

Late on December 9, Kissinger reported to Nixon about the meeting:

"During the break Le Duc Tho took me aside and suggested that if I could start the next phase of the meeting with a concession, he would make a big concession. I thereupon at the meeting offered to drop our demand for the deletion of Article 4, and in return he agreed that American civilian personnel could continue to service complex military equipment in South Vietnam."

He continued:

"5. We then settled all the other remaining issues, except for the DMZ. On that issue he stated with some conviction that on the language he had agreed to in November ('North and South Vietnam shall respect the DMZ'), he had been overruled by Hanoi. I suspect this may be true. My view is as follows: I do not honestly believe we can go to Saigon with anything that weakens what we now have on the DMZ ('North and South Vietnam shall respect the DMZ'). Therefore, difficult as it may be, I recommend that we hold firm on this.

"6. If we can hold the line at this point, we will have accomplished the following since October:

"—Deletion of the phrase 'administrative structure', which removes any remaining ambiguity about the fact that the National Council is not a government.

"—The sentence obligating both North and South Vietnam to respect the DMZ.

"—Greatly strengthened provisions on Laos and Cambodia including the obligation to respect the Geneva Agreements.

"—Deletion of the reference to 'three' Indochinese countries, a usage to which the GVN strongly objected.

"—A ceasefire in Laos closer to simultaneity with the one in Vietnam.

"—An improved military replacements provision, which gives greater assurance that we can continue to provide all the military aid needed by Saigon under ceasefire conditions.

"—Other less important changes which improve the tone or precision of the document.

"—In addition to these improvements in the text, the last several weeks have given Thieu a billion dollars in military aid and considerable time to make preparations for the ceasefire, have disrupted enemy military plans geared to a late-October agreement, and have shown both Hanoi and Saigon that we go to bat for our allies. We have also

(Footnote continues on next page)

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
Major General Alexander M. Haig, Jr., Deputy Assistant to the President for
National Security Affairs
Ambassador William Sullivan, Deputy Assistant Secretary of State
Winston Lord, NSC Staff
John D. Negroponte, NSC Staff
David A. Engel, NSC Staff, Interpreter
Peter W. Rodman, NSC Staff
Miss Irene G. Derus, Notetaker

Dr. Kissinger: I see you have your language expert with you again. [Vietnamese laugh.] I am even prepared to speak first, Mr. Special Adviser.

Le Duc Tho: Please then. It is very good.

Dr. Kissinger: I know when I am defeated. There is no sense increasing its magnitude by struggle.

We agreed yesterday, I believe, that we have reached a point now in which we should be able to tell very quickly whether we can settle or whether a settlement is impossible. We both made efforts yesterday

insured that at least some of the international control machinery will be in place at the time of the ceasefire.

“—Thus our requirements I indicated publicly on October 26 have been essentially met. In exchange for this, our only ‘concessions’ have been to drop other changes we were requesting in an agreed text which Hanoi considered sacrosanct to start with.

“7. This will be no mean achievement, considering we had no chips to play with.” (*Foreign Relations*, 1969–1976, vol. IX, Vietnam, October 1972–January 1973, Document 152)

Absent from this list of achievements was any mention of North Vietnamese troops in South Vietnam, despite the fact that their continued presence remained, as had been the case throughout the multi-year negotiations, unacceptable to South Vietnamese President Nguyen Van Thieu.

After reading Kissinger’s report, Nixon conveyed his instructions to Kissinger via Haig, who had just returned from Paris and had briefed the President on the talks. Haig first told Kissinger: “I described to him [Nixon] at great length the brutal atmosphere of the negotiations and the incalculably frustrating tactics which had been used by the other side. I pointed out how carefully you had played the scenario with absolutely nothing but bluff, skill and determination to elicit what is now a very substantial list of North Vietnamese concessions.”

Haig continued:

“Concerning the negotiations from this point on, the President suggests the following strategy which I believe is consistent with your own outlook. He understands, of course, that you must have sufficient leeway to manage the tactics. Assuming you are able to slip Monday’s meeting to late Monday afternoon, you should then hold tough on the DMZ issue confirming that the President remains adamant. If Moscow’s assistance is evident, we may then find Hanoi caving. If not, the President believes, and I know you do as well, that we must not break off the talks on Monday. In that event you should return for a new session hopefully as early as possible on Tuesday morning thus giving me maximum time to leave Tuesday evening with the Vice President.” He continued: “Also on Tuesday you should again enter the talks in a tough posture by which time Moscow’s ultimate leverage should be evident if, in fact, they exercise it at all. If Le Duc Tho is still intransigent, you should then try our compromise as the final U.S. concession. If even this fails, the President, as we predicted, would even be willing to cave completely with the hopes that we can still bring Thieu around.” (*Ibid.*, Document 155)

to narrow the differences, and we made definite progress yesterday. And at the end of the meeting we explained to each other very honestly what our requirements are and what our needs are in order to have a very rapid agreement. And we said we would look at each other's requirements. In this it isn't only a question any more, at this late stage, of the number of concessions, but of whether we can find a realistic method that can rapidly end the war.

As I told the Special Adviser yesterday, if we can conclude today on the basic principles of the agreement I would send General Haig home tonight and he would leave tomorrow night with the Vice President for Saigon. This has its importance, because it would prevent any further acts of intransigence and would set matters firmly on the path towards a very rapid peace.

So we have been in touch with Washington over night, specifically with respect to Article 1, which, as I have explained to the Special Adviser, is a very painful and a very difficult one for us, one which involves the President very directly and which he had always instructed me to get changed. But as a maximum show of good will, and in order to be able to prove that he has done everything that he can possibly do to bring about peace, the President agrees with the formulation that the Special Adviser gave me yesterday: "The United States and all countries respect the independence, sovereignty, unity and territorial integrity of Vietnam." And as a further sign of good will, he agrees with placing it as Article 1. That is a very big effort on his part. He had always insisted that it should be moved to Article 4.

Under those conditions he believes Article 4 is not necessary.

We also accept the formulation that the Special Adviser has given us for the conclusion of Article 13, about the compromise formulation "as soon as possible."

We require the original language on the DMZ—the language we had last week, and something along the lines of what I said yesterday after the break.

And on civilian personnel we can go no further than the sentences we handed you.

So we have made a very big effort and we believe that we should on this basis now conclude the agreement.

Le Duc Tho: Mr. Special Adviser, I would like to know definitely whether we have reached agreement yesterday regarding the Preamble, the mention of the four governments: Government of the United States, the Government of the Democratic Republic of Vietnam, the Provisional Revolutionary Government and the Government of the Republic of Vietnam, and in return I will drop the calling of "administrative structure." Because at the end of the meeting, Mr. Special Adviser had not expressed his view on that point.

Dr. Kissinger: Let me express my view on the Preamble, Mr. Special Adviser. We accept mentioning the PRG in the Preamble. We believe now that the formulation of the October agreement is the best way for us to proceed. That is to say, "The United States acting in concert with," or "with the concurrence of," "the Government of the Republic of Vietnam; the DRV acting in concert with," or "the concurrence of"—"acting in concert with" is a little better—the PRG." Then when we initial it in Hanoi it will be a binding document and then we can proceed to a signature regardless of what last minute obstacles may arise. So on this basis I confirm the concession of yesterday.

Le Duc Tho: And I would like to ask, Mr. Special Adviser, one more question. Then if the Preamble is written as you have described, then the signing, how the agreement will be signed? I want to ask this question for clarification.

Dr. Kissinger: It will be signed by the Foreign Minister of the United States and by the Foreign Minister of the Democratic Republic of Vietnam, and there would then be two letters of adherence by the PRG and by the Government of the Republic of Vietnam just as we had planned. It is exactly the procedure we had planned in October. But the signing would be in Paris—we proposed and I thought we had agreed—by our Foreign Minister, Secretary Rogers, and by your Foreign Minister.

Le Duc Tho: I ask you this question, Mr. Special Adviser, for my information. Now let me speak my views.

Actually yesterday we made a step forward. Today we both should make an effort to advance further. Of course, to make a further advance both sides should make efforts, but the greater efforts should come from you. [Laughter] It is also my desire to advance very rapidly.

Dr. Kissinger: I will never accuse the Special Adviser of excessive generosity.

Le Duc Tho: But now the remaining questions are great questions indeed. Yesterday we solved two questions with both sides, as yesterday we discussed. Now listening to Mr. Special Adviser speaking about Article 1 I was optimistic regarding "The United States and all other countries respect," etc. But my optimism is removed when you ask for dropping Article 4, because Article 4 made specific provision for South Vietnam. Because if this provision, this Article 4, is dropped, then there is no pledge at all of U.S. to discontinue its military involvement and its intervention in South Vietnam.

And this provision is in very explicit language. Now we have published the document. If now we delete this article then the people of South Vietnam will think that the U.S. now will continue its military involvement and its intervention in South Vietnam. It would be very

difficult for us. Therefore this proposal is unacceptable to us. Therefore I propose to Mr. Special Adviser that if you desire rapid settlement, please keep Article 4 and keep Article 1 as you have just described. Both articles. This will speed up our negotiations. Probably you are still in a posture where you want to hand out with one hand but you want to pull back by the other.

Dr. Kissinger: The Special Adviser never gets into this posture. He doesn't hand out with one hand.

Le Duc Tho: Because if Mr. Special Adviser gave by one hand and take back by the other, then it is tantamount to nought.

Dr. Kissinger: Incidentally I hope those tapes are never played in Washington, because when Washington hears how I get treated by the Special Adviser they will never let me negotiate again. [Vietnamese laugh.]

Article I was a very big effort for the President.

Le Duc Tho: No, Article 1 is one article we had agreed to. Now you ask for a change, but I would like to only maintain as it had been. You have been attacking me all the time and I am always in the defensive position. It is a fact, Mr. Special Adviser.

Dr. Kissinger: Well, I can assure you that the President had instructed me not to accept it. And in any event it is senseless to discuss, because we had agreed yesterday that it was a very difficult matter and I would make a special request to Washington. If I were to say now this was not considered very seriously, they will conclude that nothing we do can make any difference.

Le Duc Tho: Actually you have accepted to write Article 1 as we proposed, but fairly speaking if you now ask for the removal of Article 4 then it will neutralize your acceptance. Moreover the people of South Vietnam will be worried about the role that the U.S. will play in South Vietnam. Therefore after listening to your proposal I think that I have just got out of one difficulty to fall into another one. It is a fact.

Dr. Kissinger: Let me . . . why don't we hear what else the Adviser has to say, and then we will discuss.

Le Duc Tho: It is my view that both of us want to reach a peaceful settlement and the sooner the better. But in order to settle the problem we should see or realize each other's difficulties and necessities in an objective way. Naturally if you make an effort, we will make an effort too. Throughout our negotiation, even yesterday, I have made efforts to respond to meet your necessity. And actually what I want is to keep what we have agreed to. Today, to bring our negotiations to success both sides should meet each other's necessities in a very fair way; otherwise, as you said, we will be in a very difficult position. As I told you, in our negotiation perhaps it may happen that there only two or

three questions left, but if these two or three questions are not solved then no settlement is reached.

Last week you raised many changes to the agreement. There were 9 points—9 changes. I responded to you 7 of the 9. Now there are 2 left. And with the outstanding questions left, here they are. Let me list them out and see how we have solved them. Now the outstanding questions are:

Regarding Article 1; now we accept your acceptations.

Dr. Kissinger: As a sign of good will and serious attitude?

Le Duc Tho: If you drop your proposal on dropping Article 4, it would be really a good will on your part. Then I would evaluate your good will. [Laughter]

The second question is the question of the DMZ.

The third question is the question of civilian personnel associated with military activities.

The fourth question regards Article 8(c).

Dr. Kissinger: 8(c) again?

Le Duc Tho: 8(c).

Dr. Kissinger: Oh, this is our daily discussion on 8(c).

Le Duc Tho: I add one thing only. We stand by what we agreed to yesterday. I accept your commitment you sent us in the message.

Dr. Kissinger: Yes, we will discuss all understandings tomorrow so that they are very precise, or whenever the agreement is finished.

Le Duc Tho: I have written exactly your commitment here and I sent to President Nixon your commitment and President Nixon has acknowledged the message.

Dr. Kissinger: Simply for the record, we listed all understandings to you in a separate message. We did not include this as a formal understanding. But we are prepared to make an understanding of this. But I think the record does not support that President Nixon acknowledged, accepted this particular understanding; I sent you all the understandings. But we will make an understanding on this issue. I am not rejecting an understanding—I just want the record to be clear—so I am not rejecting an understanding. But I think we should discuss all understandings together.

Le Duc Tho: I would like to speak one word and then we shift to another question.

When there were two questions—two outstanding questions—the question of civilian detainees and the question of replacement of armaments. When President Nixon sent the message to our Prime Minister, he said these were the two outstanding questions, then we met your requirement on these two questions. And in the chapter on the captured

personnel, your understanding was rewritten, then President Nixon replied to our message saying that he was satisfied with our good will and said that the agreement might be considered as completed. This is a fact.

And when we discuss the unilateral understandings we will return to that.

Dr. Kissinger: We will return to it. I simply—because you have a tendency to be very free with President Nixon's name. If we were talking about ourselves, we would reserve it. We were talking about two things: the first message dealt with the text of the agreement. Then there was the second message that dealt with understandings; we listed all the outstanding understandings and we said specifically, so that there will be no misunderstanding, these are the understandings that are outstanding. And so the record does not support [the assertion] that the President has accepted some understanding here. But we will come to an understanding on this tomorrow. We are willing to come to an understanding on the general framework that the Special Adviser has said; we just don't want President Nixon's name used all the time. Now I just wanted to clarify the record. I am not challenging what you have said in your notification to me.

But as long as you are talking about Article 8, I must call your attention to one other point. We have made clear on innumerable occasions, including our communications to you, that the U.S. will under no circumstances sign an agreement that does not unconditionally guarantee the return of all its military and civilian prisoners throughout Indochina. Madame Binh made a comment yesterday in which she implied that the American prisoners held by the PRG might not be released. This is totally unacceptable to us and will lead to a breakdown in the agreement.

Le Duc Tho: I do not answer the question you raise now. I will turn to it later. Because I am listing the outstanding questions before us.

Dr. Kissinger: I just say that every day the Special Adviser makes as a concession the withdrawal of Article 8(c), and I pay for the same thing only three times.

Le Duc Tho: It is not true. It is small things. I will raise to you later. I will keep as it was.

Dr. Kissinger: All right.

Le Duc Tho: So we are now facing four questions as I have just listed.

First, Article 1 related to Article 4.

Second, the question of the DMZ.

Third, the question of civilian personnel.

Four, Article 8(c), with a little change. Be calm. Be calm. [Tho laughs.] No big change.

Dr. Kissinger: The Special Adviser has already pocketed something. He is a great magician. But as long as he is listing it . . .

Le Duc Tho [laughing]: You are now returning the words to me earlier.

Dr. Kissinger: I beg your pardon.

Le Duc Tho: You are now returning the words to me earlier.

Dr. Kissinger: He's pocketing a concession I gave to him, which he should list, namely the three months at the end of Article 13. The mere fact that I agreed to your point doesn't mean you can drop it and keep a list of all the things you want from me. [Vietnamese laugh.]

Le Duc Tho: You have just touched the point.

Dr. Kissinger: I admit it was only an average effort, but I want to say that the Special Adviser owes me now an average effort.

Le Duc Tho: I want it two months only.

Dr. Kissinger: You want the two-months demobilization?

Le Duc Tho: No, 8(c). I will return to it later. Let me speak my views on the various questions. Now let me speak my views on these four questions.

Dr. Kissinger: I also had made a point that we asked for some understanding, some reference—unless he lists it under the DMZ—that would help us. Yesterday I gave you two possibilities. But I understand that—when there is another suggestion we will consider it.

I know the Special Adviser's methods. We start out with four issues on each side. I concede one and it then disappears. So already . . .

Le Duc Tho: You will make some more effort to meet our requirements and we shall find out formulas. Let me speak to each of these questions.

Now first I would like to speak about Article 1. I have explained to you the reason why I stick to Article 1. If you write this article it is one further benefit for both sides. [Kissinger laughs.] I am speaking frankly.

Dr. Kissinger: Mr. Special Adviser . . .

Le Duc Tho: I have explained many times the reason. I just repeat it. I really request you not to drop Article 4, because if you ask for dropping Article 4 then the difficulties will be very great for us. Therefore I told you that it may happen that only one question remain and it will constitute a roadblock.

The second question—the DMZ. Really we have endeavored to find out a formula to maintain as you propose. But if we just put only the word "the DMZ," it will not do. The other day you referred to Article 24 of the Geneva Agreement of 1954. We did not accept mention of Article 24 and you agreed with us. Now you want to put the DMZ. Then we proposed to add that "North and South Vietnam will agree

on the statute of the DMZ and the modalities for movement across the demarcation line." Now we drop the words "The two parties will agree on the statute of the DMZ," but we propose to put "North and South Vietnam will agree on the regulations for movement across the demarcation lines."

And we do not agree to put this sentence in the provision regarding the normalization of relations between the North and the South. I put this sentence further above, because the normal relationship between North and South on various fields [is not] including only the movement across the demarcation line, but the relationship between the North and South should be laid down on various fields. Moreover, the communications between the North and South includes [not] only communications on the ground; there are also sea communications and air communications. So this sentence, as you propose, is put in the wrong place. Therefore I propose to put it above. So we propose to write "shall respect the DMZ and agree on the regulations for movement across the demarcation line" for the movement of the population of either side, north and south of the demarcation line.

Dr. Kissinger: On the regulations for the movement of population?

Le Duc Tho: The regulation for movement across the demarcation line. I would like to add this sentence. Therefore we say we have tried to find formula to solve this question.

Regarding the civilian personnel. This is a great question too. So it will be unacceptable if you keep a very big number of civilian personnel in South Vietnam. They should be withdrawn. But regarding the time for their withdrawal we may come to an understanding on that point. Yesterday I told you that the period for the withdrawal is within four months after the ceasefire. Now I can accept the period will be six months after the ceasefire. We have strived to find out ways to solve the problem.

Now, regarding Article 8(c), I would like to say this. You understand our feeling regarding the prisoners. Now I will only want to propose that the period for the two South Vietnamese to solve this question is not three months but two months, to reduce the time of detention of these people, to ease their sufferings. On October 17 when you talked with Minister Xuan Thuy you said that this period might be two months.

Dr. Kissinger: The Minister has an extraordinary memory, for which I congratulate him. That is the danger in having poets conducting foreign policy.

Le Duc Tho: These are my views on the four outstanding questions. Now there is another question. I will point it out and probably you will say that I will bring out more problems. This question comes from

our difficulty with regard to the PRG, regarding the role of Indonesia within the International Commission. Madame Binh has on several occasions expressed her disagreement to Indonesia. In our negotiation it is against our desire to bring out more questions, new questions. But it is requirement by the PRG—Indonesia should be changed. I agree with you that if you want to change the membership of the International Commission on our side I agree with you to change it. If you agree to change Indonesia then you can propose us to change any member from our side. But this question I propose to discuss when we have solved all the other questions. The main thing is to solve the outstanding questions. As to the change of the members of the International Commission, both sides can propose. It is a minor question and both sides can change.

Dr. Kissinger: Except that I have already talked to President Suharto on behalf of the President. It is not a minor question to us, as you well know.

Le Duc Tho: I know that you have difficulties in this connection. This is a requirement [request] of the PRG and also of the South Vietnamese people. We will discuss this question later. Let us concentrate on these four questions.

So regarding the effort we have made yesterday to you, for instance, the question of the DMZ, we have tried to find out some solution. Regarding civilian personnel, we have prolonged the period for their withdrawal. So in each question we have made an effort. It is our great efforts. We have taken into account of your proposals for changes and among them there are significant ones. You should do the same.

If now we look into the agreement the only change we have proposed is regarding Article 8(c), to change three months into two months.

As to the question of Indonesia, I would like to raise this question. We will discuss it. Speaking of changes, these are the only two changes we propose. As to the other part we would not change any word. These are the outstanding questions. I have listed them now. Let us now discuss.

Besides the point we have raised now, we will not bring any other changes. The proposals we have made in the past we drop them—a number of questions I brought up regarding the political questions of South Vietnam. Besides the points you have raised and we have agreed to, the other points will no longer exist.

Dr. Kissinger: Which other point?

Le Duc Tho: Besides the changes you proposed and we have agreed to. Besides that there is no other questions.

Dr. Kissinger: But that was the situation last night already. I mean, we can't pay every day for the withdrawal of things that were already withdrawn the day before. It is a good tactic. [Vietnamese laugh.]

Le Duc Tho: I would like only to recall that.

Dr. Kissinger: Let me make some observations, and then perhaps we should take a break. I thought yesterday at the end of our meeting we had done two major things. One, we had dealt constructively with some concrete issues. Second, we had reached a real understanding as to the nature of the remaining problems, and it seemed to me that if this attitude could survive on both sides for another day that we would come to a solution today. I also said that we would now know whether a solution is possible.

Now I have told you all week long what our problem is and I told you again yesterday. Our problem is not to engage in a sporting match with you in which we keep a tabulation as to who made what concession to whom, which will be forgotten in a month or two; our problem is to find an agreement which can then be implemented rapidly. In this effort I have tried, obviously unsuccessfully, to explain to you that some things you list as concessions are really in our common interest. We cannot, and we will not, make the extremely difficult and painful efforts unless the President is able to say with a clear conscience that certain minimum requirements had been met. We cannot keep our Vice President standing by to await the results of something that is becoming increasingly like a horsetrade, [Tho laughs] and where every session begins in such a way that we are asked to be grateful after two hours to be back at a point we thought we settled the night before.

What were the concessions? What were the issues today? You know very well that you don't want Article 1 in order to make the U.S. popular among your population. This is not listed among the ten principal objectives in Ho Chi Minh's Testament. [Tho laughs.] You want Article 1 because you will, after a peace is made, use it to say we were the aggressor, and this is how you will use it not only in North but in South Vietnam. I am speaking very plainly. If you were only interested in the substance you wouldn't care where the article is placed in the agreement. So this is not just a symbolic act; it has a certain objective context. And, therefore this agreement to your formulation is a tremendous concession from us.

Le Duc Tho: But you ask to drop Article 4.

Dr. Kissinger: Which you will use the same way. [Tho laughs.] But let us put aside Article 4 for a moment. What are you asking us to do in return? You gave us a formulation on the DMZ which has the same practical consequence as the one we objected to: you are substituting the word "regulation" for the word "statute." That is the only concession.

Le Duc Tho: These are two different things. One is statute of the DMZ. It is different from the regulation for movement.

Dr. Kissinger: At this particular moment it is not that the DMZ is untravelled. [Laughter] I think the Minister understands. Is this your expert on the DMZ?

Le Duc Tho: The two different situations. Now there is not yet ceasefire, and when there is a ceasefire the agreement will be implemented and the situation will become different. We did the same in 1954. But I do not want to recall here the historical circumstances of the DMZ. The DMZ contains many causes of the present situation. But when we come to an agreement and the agreement is implemented the situation is different.

Dr. Kissinger: Well, what the situation would be after an agreement is a different matter. I am talking about what we are facing, and you are then asking us to worsen Article 5 in such a way that the armed forces of our allies will be paralyzed after a certain number of months, and you have paid no attention whatever to even attempting to find a formula for what we said yesterday. In addition you are changing Article 8(c), making it two months, which inextricably links our prisoners with the civilian detainees and adds an additional burden on South Vietnam. And then you want to drop Indonesia, and then you say you are making a big effort on our side with a big effort on yours.

I frankly believe that my judgment yesterday must have been wrong, because we have an objective situation and maybe it is simply insoluble. I have stayed here one week attempting to find a settlement. No matter what you say, we have made a very great effort. We came here with very major concessions and a minor concession, on the 90 days, which you have simply pocketed and made no reference to it at all. So I feel now that I do not know what you will accept. Earlier this week you offered to return to the original language of both Article 5 and Article 8(c). Every day after that you have reintroduced them, then withdrawn them in return for a new concession. That is very skillful.

But we are now at a point where we must either settle or have a recess. We have done our absolute maximum. If we can get a satisfactory solution on these other issues, I can discuss the problem of Article 4 with you. But what I said to you yesterday came from my heart. It was a genuine attempt to make you understand what the requirements were, so very rapidly we could in good conscience bring this war to a settlement. It was not bargaining. Most of what I am asking for is of no benefit to us and of no practical consequence over a long period of time. But just as you wanted Article 13 and we made a great concession, so we still have a minimum requirement. If we cannot come to this question, then we must conclude that we came very close to an agreement and no one will ever be able to come closer, and we will never come this close to this kind of agreement again, so we will have to see where we will be after a certain period. This is my frank assessment of the situation after I have heard your presentation. Perhaps we better take a little break now.

Le Duc Tho: [interrupting translation after reference to Article 13] Let me—we have agreed on that point.

Dr. Kissinger: On what point? I don't understand.

Le Duc Tho: We have agreed to drop this question of 90 days for demobilization, therefore I would . . .

Dr. Kissinger: But that was a concession. We withdrew our request.

Le Duc Tho: But I also made the concession. I have added that demobilization would be done "as soon as possible" in comparison with the formula.

[Mr. Engel then finished translating Mr. Kissinger's previous speech.]

Le Duc Tho: Let me speak now. Let me speak a few words and then we will have a break briefly. I said that both of us should have to make efforts and should understand each other's necessities, but you, you want your necessities beyond possibility. And regarding the questions we are facing now, we have made efforts too. We have found out formulas and regarding the question of civilian personnel we have prolonged the period to 6 months. You have wrongly evaluated my efforts. It is not true that we have made no efforts at all.

Regarding the question of the DMZ, it cannot be maintained as you propose. For us, we compare with what we have proposed: we have dropped a very important part of it. It is not true if you say that I have made no efforts at all.

Regarding the question of your civilian personnel they are in big numbers, and now the war is ended there is no other reason that they will remain there for a long time. The conditions for my dropping Article 8(c) and the question of the civilian personnel when we met the other day is that you should also drop your changes and we should return to the agreement agreed before.

Dr. Kissinger: You dropped it three more times in the interval. It is hard to keep track of it.

Le Duc Tho: We drop these questions only on these conditions that we would make only changes of the details and we keep what we have agreed to. Now you have proposed many changes and we have met many of them and we have made great efforts and we keep Article 8(c).

Now regarding the question of civilian personnel. When we negotiate here you agree with us that within 60 days all American forces would be withdrawn, and now the civilian personnel are left behind, and we have agreed with you that these civilian personnel, part of it, should be withdrawn within two months and the rest should be withdrawn within 6 months of the ceasefire. And you have tens of thousands of civilians . . .

Dr. Kissinger: I have told you yesterday this was nonsense.

Le Duc Tho: Through the press and through the information available to us it is not over 1000 but tens of thousands.

As to the proposal to reduce to two months with regard to Article 8(c), or the question of Indonesia, I just raise these questions for discussion just like you raise questions for discussion.

Dr. Kissinger: Not today. Are you finished? I did not raise—I came here today with the intention of rapidly settling and of reducing issues to the absolute fundamentals. The Special Adviser is setting up a horse-trade.

Le Duc Tho: It is not true.

Dr. Kissinger: Which is not equal to the seriousness of our occasion.

Le Duc Tho: It is not true. We have our necessities. You should take into account our necessities. When you propose your necessities we are prepared to discuss them. You should also be prepared to discuss our necessities. We did not reject any of your necessities without discussing it. The agreement that has been agreed should not have any changes, but we were prepared to discuss it.

Dr. Kissinger: But I am discussing it now, and I am telling you earlier this week you offered to return to Article 5, the categories of people that were to be withdrawn. They were precisely specified in Article 5. We have offered you an amendment that makes it impossible for us to abuse Article 5.

Now it is impossible for us. We must tell you this again. It is impossible—the President will not accept it; the Vice President will not go on such a mission—in which we are creating a situation in which certain technical jobs simply cannot be carried out. At the end of every day I send a list to Washington of changes which I propose to make. We are now reaching a point of increasing impatience and diminishing returns. And I said yesterday—even though we understand the implications and even though, quite frankly, if you were approaching this in a farsighted spirit you would have agreed to move the article, Article 1—that we would make one more very big effort. But we cannot do what we will have to do in the next two weeks if this agreement is to be finished, if we cannot plausibly say that there was some maximum effort made on both sides and now we think regardless of consequences we go ahead, if necessary, alone.

So that is where we are now, and maybe we should take a break and reflect. But I must tell you frankly if I do any extensive reflecting I will be without a job and you will have to settle with somebody else. Then you will never see me in Hanoi.

Le Duc Tho: No, we have taken into account your views regarding the question of civilian personnel. After this we have left some period for them to remain there.

Dr. Kissinger: But it is not your right to let anything because it is not in the agreement to start with.

Le Duc Tho: In our previous negotiation you told us that the U.S. will withdraw completely all its forces without letting any behind. But now you leave civilian personnel behind. And moreover I propose that I drop [my demands on] Article 8(c) and even Article 5, if you kept the agreement as it has been agreed to and only the details will be changed. Now let us have a break and we can discuss it.

[The group broke at 4:43 p.m. and reconvened at 5:15.]

Dr. Kissinger: I think the Minister is the world's greatest expert on the DMZ.

Le Duc Tho: Let us resume our work. You will make a great effort and I will make also a great effort to come to a settlement, and if we can't come to a settlement it is because of objective reality, but we should strive to come to a settlement.

Dr. Kissinger: Mr. Special Adviser, the great difficulty I have is that we have practically run out of margin in which to make efforts.

Le Duc Tho: And I have also, I have finished my margin of efforts too.

Dr. Kissinger: [laughter] I would hate to buy a rug from the Special Adviser! If everything else is settled satisfactorily, we will withdraw the proposal that Article 4 be remanded and maintain both Article 1 and Article 4. So that then we have both Article 1 and Article 4 in the agreement.

Le Duc Tho: Only that? Anything else, Mr. Special Adviser?

Dr. Kissinger: I have wracked my brain on the others. We can give you on the personnel, if you accept an additional sentence we give you, an understanding that we will progressively reduce it and withdraw it within 15 months. And I tell you candidly this is 9 months less than our experts tell me makes it feasible.

Since we are down to so few issues there is very little we can do.

Le Duc Tho: Have you finished, Mr. Special Adviser?

Dr. Kissinger: Yes, I have, Mr. Special Adviser. Please.

Le Duc Tho: Now we have come to the point that we should speak everything we have to speak, to settle the problem. Now we maintain Article 1 and Article 4, as you have agreed to in the agreement. Then we are prepared to drop our demands on the question of civilian personnel of the U.S. in the agreement and we are prepared to have a unilateral understanding to consider, if not to write it in the agreement as you proposed. We will have an understanding between us.

As to the question of the DMZ, frankly, I can't go further. I have made the utmost effort. When I accepted to drop the question of civilian personnel and not to write it in the agreement, it is a great effort. If you don't realize that we can't settle the problem. Is there any war in

which the agreement has written that all your forces should be completely withdrawn and you leave behind civilian personnel? Last year when we negotiated, we were talking then, two or three times you always said that at the end of the war the U.S. will totally withdraw its forces.

As to the DMZ we can't go further.

Regarding Article 8(c), when I propose two months there is no link at all with the American prisoners in North Vietnam or in South Vietnam. I propose that two months only for humanitarian reasons and for feeling sympathy with the detainees only. Moreover 8(a) is a separate provision and there is no link with 8(c).

So I have expressed all my views regarding the four outstanding questions. If we come to an agreement now, we will come to an agreement. Otherwise we will not. So I have made a very great effort.

As to the question of Indonesia as a member of the International Commission, we will discuss on it to see whether you can change Indonesia as a member. If you can it is the best. If not, we will agree, because we understand you have difficulty. So I have made a brief statement already. My pockets are empty now, really speaking.

As to the understanding for 15 months for the withdrawal of civilian personnel, it is too long. Naturally we want a shorter period. It is our desire to have a shorter period. We shall discuss this.

Dr. Kissinger: Can you give us your sentence on DMZ?

Interpreter: I have not yet a clean copy of that.

[Mr. Thach hands over text at Tab A. Kissinger reads it.]

Dr. Kissinger: See, Mr. Special Adviser, our difficulty is—the problem is—that you have given us very little that we can tell the Vice President tomorrow to take to Saigon. I mean you have given us some things during the week, but in terms of the discussion today I said to you yesterday that we must have something we can take to Saigon. And your concession really consists of returning, in one paragraph, to an agreement we already had, and in another one adding a phrase whose practical consequence will be interpreted as taking away the significance of the previous phrase, because it implies that there will be substantial movement across the demarcation line and that the only thing to be discussed is the regulations. And I just know that this will not make it possible for us to succeed in our effort. [Tho laughs.] I tell you what our problem is. It may be insoluble.

Le Duc Tho: I can't accept your saying that my effort is too little.

Dr. Kissinger: No, it may be great for you; it may still turn out to be too little for us. This may be the problem.

Le Duc Tho: We have taken into account of your difficulties. Now there is no other way for taking it into account. The movement here

referred to here is for the population, because for the military there is already the provision on the prohibition of introducing troops, armaments and war materials. For military, no movement.

We have come to the limit. As I told you, it may happen that only one question be left and the settlement is impossible. You should not ask me to go further.

Moreover the regulation for movement, you have put it in the normalization between North and South Vietnam. I would like to move it to this place only.

Dr. Kissinger: Yes, but I was wrong. My government withdrew it.

Le Duc Tho: As you say; so maybe it is impossible to settle the problem. Regarding this question we have come to the limits. As I told you in our negotiation it may happen that only one question left that we cannot solve. It is a great question for us, the question of civilian personnel, but we have made very great effort.

Le Duc Tho: Have you finished? Let me say a few words and we shall have a pause, because I am a little tired. Because we have made the greatest effort. And the phrase I have proposed to you is very correct. I have written "North and South Vietnam shall respect the DMZ and the two zones shall agree on the regulations for movement across the demarcation line." I frankly tell you I can't go further.

I had the intention to skip today because I suffer in my brain. It is a real fact. A headache.

Dr. Kissinger: I would have been prepared to do it. But we can take a break, or would you like to adjourn the meeting?

Le Duc Tho: It doesn't mean that I do not want to settle with you, but I am tired because blood pressure increased.

Dr. Kissinger: You would like to adjourn?

Le Duc Tho: To adjourn, because whatever you find out, it is my only solution, because I have said everything I have to say. It is a very big question, the question of civilian personnel, but I have dropped it. The question of 8(c) is a very great question for us too, but I have dropped it. You see how big effort we have made. It is very reasonable and very appropriate. If you don't solve the problem, how can it be solved? I propose then we have a break and then you will speak; then I propose to adjourn at six o'clock.

Dr. Kissinger: All right. Certainly.

Le Duc Tho: But frankly speaking I can't go further. It is the instruction of my government. I have no authority to change it—really speaking, frankly speaking. Then we will see whether we can solve today. If not, I propose to adjourn until tomorrow because I have headache.

Dr. Kissinger: Yes, of course. Only let us take a brief break and then let us stay inside so that people don't comment on a break followed

by our departure. And we are down to one question now, and there must be some solution.

Le Duc Tho: And regarding 8(c), I propose two months. Please heed my views because it is a humanitarian question.

Dr. Kissinger: We won't have time to discuss that and Indonesia today. Let us discuss that tomorrow. We will keep the Minister from the horse race and from church tomorrow. [Laughter]

Le Duc Tho: And I think we can easily agree on these two questions.

Dr. Kissinger: Not easily. Oh, Indonesia and 8(c). Yes.

Le Duc Tho: Tomorrow morning.

Dr. Kissinger: Also because it is really getting to be now a question in which both of us must make fundamental decisions. I am very serious now. I cannot stay here much more than another day or two. I propose that we prepare a text tonight—each of our sides—of the agreement as it stands, and also of the understandings, and if we agree tomorrow on this question then our experts should immediately compare the texts.

Le Duc Tho: I agree.

Dr. Kissinger: And the Special Adviser and I should begin—and my associates should begin—to discuss the understandings.

That is assuming we settle this question, and I will consider that perhaps I will ask General Haig to go back to Washington tonight and then if we agree he can leave tomorrow. If we do not agree then I will go back tomorrow night. But I will decide this. But if we do not agree very soon, events will get out of our control.

So let me talk for 5 minutes to my colleagues. I will talk to them in here. Which light fixture has the microphone? [Laughter]

Le Duc Tho: Even if we come to an agreement today I propose a break tomorrow and let the experts work.

Dr. Kissinger: You don't want to work tomorrow?

Le Duc Tho: Because I want a break.

Dr. Kissinger: I don't think we can come to an agreement today, but let us have a brief break.

[The group broke at 5:48 briefly and reconvened at 6:05 p.m.]

Dr. Kissinger: I just received a communication that your compatriots in the South are not enthusiastic about what has been achieved. They do not think of it with an attitude of conciliation and concord.

Our problem is as follows, Mr. Special Adviser. We know that there is no possibility of progress or of getting a rapid settlement if we add the phrase where you want it. We would ask you to consider adding it at the end of the sentence about the reestablishment of normal relations. Here is the sentence I would like to add: "Among the ques-

tions to be discussed will be the authorization of civil movement across the provisional military demarcation line." And if you agree to this, I will drop the request for a reference to "respect for each other's territory" even though this makes our task almost unmanageable.

Le Duc Tho: I can't settle this problem, frankly speaking. I have done my utmost. I have no authority to settle this question.

Dr. Kissinger: Neither do I.

Le Duc Tho: Then we have to consult our governments. I have no authority. This is my instructions.

Dr. Kissinger: I believe you.

Le Duc Tho: For which questions I have authority to solve, I solve.

Dr. Kissinger: I believe you.

Le Duc Tho: Because I agree with you last week I was criticized for that. And that was our great effort when I have found this formula frankly speaking, because if I have authority to solve it, it is only one question remaining. It is not fair to leave only question unsettled if a solution is correct already.

Dr. Kissinger: Let me suggest—let me tell you this in all sincerity. When you talk to your government. We have really reached the limit of what we, in any kind of conscience, can present in Saigon. Compared to what we have been—I am telling you the reality—compared to what we started and where we are now, it is very little in terms of their perspective. Even with the sentence we proposed, this chapter is better for you than what we had agreed with you last week and what we had communicated to our allies. I want to tell you candidly what our problem is.

I will ask General Haig to return to Washington tonight to report to the President. And perhaps you will again consult your government, and I really believe they should look at it in a farsighted manner.

Now I propose, because time will be very short, since all that is missing is one phrase, that our experts get together to compare texts tomorrow, and that then the Special Adviser and I meet again on Monday morning and if we come to an agreement immediately go to the understandings. [Tho nods his head "yes."]

Now one other thing. There is always very intense press speculation. In order not to destroy the atmosphere for a solution, we should avoid—could we say that we have agreed that we are recessing for one day so the experts can meet and that we will resume on Monday morning?

Le Duc Tho: All right.

Dr. Kissinger: All right. Let us agree on that and I hope the Special Adviser feels better. But for selfish reasons, I don't know, the stronger he is the harder it is for us, but I would rather have him strong.

Le Duc Tho: Your proposals—I solved them very easily, but our proposals you find very difficult to.

Dr. Kissinger: No, Mr. Special Adviser, we are literally running an almost impossible risk of exactly the repetition of what happened in October. And I tell you in all candor that you are making it very difficult for us. Because the choice isn't this or that phrase; the choice is really whether we can make peace that will be implemented. So it isn't a question—those issues that affected only us, we have settled with you today, even when they were very difficult for us. And I still think that, curiously enough, if you could have found it possible—not for our sake—to give us any phrase at all, we could have moved with great rapidity. But I understand your problem. But if we now take away what we have already said we had achieved, and then on top of that overcome objections which we haven't even told you about, we have a job that is almost impossible.

What time should we meet on Monday?

Le Duc Tho: Let me speak some sentences. I will answer. This is a great question. From the very beginning here I have told you that it is a question of our concern. Last week I have made a great effort, but now our government has a position of principle toward this question. Of course I will consult my government, but candidly speaking I have exchanged views with my government twice or thrice this week but the instruction I receive from my government is harder and higher level than the formula I have given you. But finally my government has agreed to the formula I have given to you but it can't go further. I would like to tell you this. Therefore, I have to consult them again and tomorrow. After tomorrow we will meet.

Dr. Kissinger: And maybe if they can give us some other sentence of the kind we have proposed . . .

Le Duc Tho: Regarding your views regarding civil movement across the demarcation line, actually on one side of the demarcation line it is the DRV; on the other side it is the liberated zone of the PRG, and actually we have nothing that any regulation is needed for. We should have no regulation laid down for crossing this line. But because of our efforts to come to a settlement with you I have found out that formula. This is a real situation. On the other side of the demarcation line is the liberated zone of the PRG; on the demarcation line we need no stipulation therefore. We have shown our good will and make an effort to come to a solution. It is my view for your consideration.

Dr. Kissinger: And for your consideration we are leaving it in that chapter but want to move it to a different part, for the reason that we have already communicated this text. We have a very difficult problem, too.

Le Duc Tho: We have made very great efforts on these questions. I point out to you the whole situation on either side of the demarcation line, to show our great effort. Presently, for time being, I have no other solution. I have to consult my government. I cannot—I have no authority to settle it now.

Dr. Kissinger: Neither do I. In fact I don't even have authority for this compromise I offered you.

Le Duc Tho: But I would like to explain the point to you because the instructions of my government is important for me. I agree with you that now there is only one question left regarding the agreement, and tomorrow the experts can start working together.

Dr. Kissinger: Yes. No more 8(c); no more Article 5. There will be no further concessions for your withdrawing them!

Le Duc Tho: I will return to 8(c) on Monday morning. [Laughter]

Dr. Kissinger: What time should we meet on Monday?

Le Duc Tho: What I want to raise about 8(c) is only the question of two months. We shall further discuss this Monday morning.

Dr. Kissinger: I cannot be very encouraging.

Le Duc Tho: We will meet Monday morning at ten o'clock.

Dr. Kissinger: Ten o'clock. Certainly.

Le Duc Tho: At your place?

Dr. Kissinger: At our place. Where shall the experts meet? You can name it.

Le Duc Tho: At Darthe Street? It is convenient.

Dr. Kissinger: Yes. Mr. Engel, Mr. Negroponte and Mr. Lord will be on our side. [Sullivan says something to Kissinger.] Mr. Sullivan's contribution to the discussion is to point out that they are three equal segments. [Laughter]

Mr. Thach: And unanimous decision. [Laughter]

Le Duc Tho: And we will discuss the understandings.

Dr. Kissinger: On Monday.

Le Duc Tho: Each party will table the understandings.

Dr. Kissinger: Yes, but we will maintain the ones we already tabled. And I understand that the time period for Laos will be shortened.

Le Duc Tho: But you should also maintain the understanding already reached.

Dr. Kissinger: We will maintain all the understandings that have been confirmed by both sides.

Le Duc Tho: Right. And after that we shall discuss the schedule.

Dr. Kissinger: Yes, but—and the protocols.

Le Duc Tho: I will hand you the protocols of our side.

Dr. Kissinger: Today?

Le Duc Tho: Monday.

Dr. Kissinger: I hate to think of it. Could you give it to our people tomorrow so that we can study it?

Le Duc Tho: We will make an effort.

Dr. Kissinger: And the Special Adviser said there will be a control team on the DMZ. [Laughter]

Le Duc Tho: We will reject it.

Dr. Kissinger: And I told my associates it is probably at the bottom of a ravine where it can't look in any direction. Ambassador Sullivan said maybe underwater in the Ben Hai River. [Laughter]

Le Duc Tho: We have not gotten yet to the protocol but I have already made a great effort.

Dr. Kissinger: I think he will probably introduce his version of Article 5 and Article 8(c) in the protocol. [Laughter]

Le Duc Tho: But 8(c) will follow you and I for a long time.

Dr. Kissinger: I am afraid. So what time should the experts meet?

Le Duc Tho: I mean two and a half.

Dr. Kissinger: 2:30.

Le Duc Tho: Today you and I have made very great effort. There is only one question left. It belongs to you to solve it.

Dr. Kissinger: [laughing] I don't think we can. So you can all go to late Mass tomorrow. [Laughter] I hope you feel better, Mr. Special Adviser.

[The meeting adjourned at 6:30 p.m.]

38. Memorandum of Conversation¹

Paris, December 11, 1972, 3:10–7:15 p.m.

PARTICIPANTS

Le Duc Tho, Special Advisor to DRV Delegation to the Paris Conference on Vietnam
 Xuan Thuy, Minister, Chief DRV Delegate to Paris Conference on Vietnam
 Nguyen Co Thach, Vice Minister for Foreign Affairs
 Phan Hien, Delegation Member
 Luu Van Loi, Delegation Member
 Trinh Ngoc Thai, Delegation Member
 Tran Quang Co, Delegation Member
 Pham The Dong, Notetaker
 Nguyen Dinh Phuong, Interpreter

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 865, For the President's Files (Winston Lord)—China Trip/Vietnam Negotiations, Camp David Memcons, December 1972 [2 of 3]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at 31 Boulevard de la Saussaye, Neuilly-sur-Seine. All brackets are in the original.

Kissinger, reporting to the President via a message to Haig, who was in Washington, characterized the day's proceedings as being "composed of equal parts of insolence, guile, and stalling by the North Vietnamese." His appraisal of what might happen next and his recommendation of what he should do was as follows:

"It is not impossible that we could conclude the agreement tomorrow, but nothing in their behavior suggests any urgency and much in their manner suggests cock-sure insolence. They could, of course, be without instructions, and may in any event want to play with us until the last minute. The amount of work left for tomorrow is staggering and could make for a sloppy conclusion, which is precisely one of their favorite tactics. I believe in any event that I should return home tomorrow night."

He added:

"All of this may prove academic, however, since we must face other facts. It is obvious that an agreement was easily achievable on any day since last Thursday. Hanoi may well have concluded that we have been outmaneuvered and dare not continue the war because of domestic and international expectations. They may believe that Saigon and we have hopelessly split and that the imminence of Christmas makes it impossible for us to renew bombing the North. If this is the case we will face a decision of major magnitude. I believe a total collapse by us now would make an agreement unenforceable. The President must also understand that an agreement at this point and under conditions that led to the collapse of South Vietnam would have grave consequences for his historic position later."

Kissinger concluded: "No matter what happens tomorrow I will not repeat not break off the negotiations but rather we could take the line that the two sides are close enough to continue work through diplomatic channels." (*Foreign Relations*, 1969–1976, vol. IX, Vietnam, October 1972–January 1973, Document 156)

Later that evening, Haig replied for the President:

"The President considers that if Hanoi remains unmanageably intransigent that in any event we should not break off the talks in a formal sense. Rather, we should recess, informing them that we believe that this past week's discussions suggest that both sides should take some time for consultations and to reconsider the gravity of the situation.

(Footnote continues on next page)

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
 Ambassador William Sullivan, Deputy Assistant Secretary of State
 Ambassador William Porter, Chief of US Delegation to Paris Conference on
 Vietnam

Winston Lord, NSC Staff

John D. Negroponte, NSC Staff

David A. Engel, NSC Staff, Interpreter

Peter W. Rodman, NSC Staff

Mrs. Mary Stifflemire, notetaker

Dr. Kissinger: Shall we try to conclude without the Special Advisor?

Xuan Thuy: But I am afraid that with me present here and now
 Mr. Porter with your side, it will become a Kleber session now.

Ambassador Porter: Let us hope not.

[Le Duc Tho enters.]

Dr. Kissinger: Mr. Special Advisor, we just settled Chapter V, so
 we can review the text now. [Laughter]

Le Duc Tho: Mr. Advisor, let me speak a few words.

Dr. Kissinger: Please.

Le Duc Tho: After all our discussions now there is only one question
 left to us. But it is a harsh question. I have sent a message reporting
 to our government about our talks here but we have not yet received
 the instructions from my government. I don't know how it will be, the
 views of my government. So only tomorrow morning we will receive
 the answer from my government. Because I am not in a position to go
 directly to Hanoi, I sent the message yesterday, and I will receive the
 answer from Hanoi tomorrow. So I propose that I will discuss with

You are returning to Washington and will be prepared to meet with them again
 after Christmas or before if they believe it would be constructive. We would then reseed
 the mines and resume military activity at an intensified pre-October pace. (You should
 decide whether to tell this to Tho or not.)"

Haig then summed up:

"I believe the President is perfectly amenable to your returning home on Tuesday
 [December 12] if in your judgment there is no hope of a settlement or if we would risk
 fundamentally our ability to ultimately achieve a workable settlement as a result of your
 staying longer. On the other hand, he is very clear that if you obtain sufficient movement
 tomorrow to indicate that a day or two more labor will resolve the matter, you should
 extend your stay."

At the same time, Haig observed: "I am absolutely convinced that the President is
 fully aware of the seriousness of the situation and, especially, the difficulties which we
 have faced at the negotiating table. He is fully prepared to react strongly and to weather
 through a continuing intransigent position by Hanoi." To drive home this point, Haig
 told Kissinger that the President had "just called again and urged that we reseed the
 mines tomorrow and be prepared to move immediately with around-the-clock bombing
 of the Hanoi area. I told him we should definitely hold on this until after tomorrow's
 session and until you return. Based on the foregoing, I am convinced that there is
 absolutely no problem here with respect to our strategy and what must be done if it is
 forced upon us." (Ibid., Document 158)

you on that question tomorrow afternoon. Therefore today I would like to propose we shall discuss on a number of questions.

First the question of the manner to sign the agreement.

Second, I would like to propose to discuss or to exchange views on our private understandings. By so doing we can save time pending the outstanding questions. I propose to meet again tomorrow in the afternoon.

Your communications are very rapid but we are in a slower way. And even we use wireless, it take time too. So we can't help it.

Dr. Kissinger: Let me say a few words, Mr. Special Advisor. You and we have negotiated and you and I have communicated for 3½ years, nearly 4 years now, and our two countries have been at war for over a decade. We have come very close to an agreement and therefore I believe you will permit me to speak very frankly with you. [Tho nods.]

And I would like to talk to you in terms of the objective reality of Washington.

I must tell you in all frankness that there is now a mood of really extraordinary impatience and growing irritation in Washington. We thought that the agreement could be concluded fairly rapidly, and we have now been talking here for over a week, the longest I have ever been away from Washington. When we met last week, on Monday morning in Choisy, I told you that the Vice President would be prepared to leave Wednesday evening. Since then he has been standing by in Washington without a regular schedule from day to day waiting for word from me. Even now he is waiting for a phone call from me to see whether we have settled the agreement, in which case he would have left within a matter of six hours. We have kept General Haig in Washington for this purpose.

So now I have to delay it again, and as I told you on Saturday, I must in all circumstances return to Washington tomorrow night. Moreover, we had always assumed that a trip by me to Hanoi would be part of the procedure for concluding the agreement. Now, unless the Vice President leaves tomorrow night, since I can't leave until he has returned from Saigon, it will be impossible to do this until well after Christmas.

So this feeling, I must say again, is exacerbated by the fact that what is holding us up now is an attempt to change something which we thought had been agreed to last week and which we too have communicated to our people. Two weeks ago. So the President, who has made a very great effort last week, putting aside considerations of pride and dignity in order to bring about a rapid conclusion, now finds himself in the position where he is being asked not only to demonstrate that he could get no additional phrase but that he had to

do away with the phrase—or to deprive it of all meaning—that he had already used in order to bring about acquiescence to this agreement.

So you must understand the situation in Washington. I am not debating it. But there is the belief now that we have done everything, that we have run very great risks in our relations with our allies and that we have shown the maximum of good will. I am not debating it: I am reporting to you what my colleagues think. So here we are, one sentence away from peace, and I know it is a question for you but it had been agreed to once. In all of these agreements there are many painful sentences in this agreement for us, and without some understanding it will not be possible to make peace. So I think we should put ourselves in a position where we keep in mind that I will be leaving tomorrow night and where we should complete what can be completed by then.

There is the question of signing—I agree to discuss it. There is the question of understandings. There were some issues raised yesterday that came up in the discussions of the experts on the text. I think we could discuss that. I don't think they are big questions but I think we should solve them. And there is the question of the protocols, the issues that we need to solve in principle. The understandings and the text we have to settle in detail before I leave; the protocols we have to have some discussion in principle.

[Tho laughs and points to Sullivan and Porter.]

And then let me explain, however, the problem of Ambassador Sullivan. Let me tell you really what now becomes the only feasible schedule. I must know fairly early in our session tomorrow whether we have an agreement or not. On this assumption, the Vice President would leave tomorrow night. If he leaves tomorrow night he cannot be back before Thursday night. That means that I cannot leave before Friday night or Saturday night. And since I cannot take a trip to go only to Hanoi and must stop in other places instead to have an excuse for being in the area, that means I would be in Hanoi either Tuesday and Wednesday of next week or Wednesday and Thursday of next week. The latest I can return to Washington is Friday, but I should be back Thursday.

This is the only way we can get the procedure completed before the holiday. Otherwise we would have to put everything back until afterwards or cancel my trip. On this schedule the signature would be in Paris on the 27th or 28th.

So this is the concrete situation in which we now find ourselves. We already find the situation with which you are familiar and in which the South Vietnamese President is making a speech tomorrow, which certainly could have been avoided had we settled more rapidly. But this is the situation in which we find ourselves. I am not debating it,

Mr. Special Advisor, I am informing you of the facts as they are in Washington. And therefore we should get as much done today as we can.

Now Ambassador Sullivan can stay here for a day or two after—he can stay Wednesday—but he should come back so that he can leave with me on my trip. And if I leave on Friday I must return by Thursday evening.

And now if you forgive me let me send a message to Washington saying that we will not conclude today.

Le Duc Tho: Please.

[Dr. Kissinger leaves the room for about five minutes to speak with Colonel Guay.]

Dr. Kissinger: I can tell you one thing, Mr. Special Advisor, the Vice President may have a serious attitude after this week but I cannot guarantee his good will.

Le Duc Tho: Let me speak now.

Dr. Kissinger: Please.

Le Duc Tho: Like you, I myself want a peaceful settlement and an early settlement. Therefore we have made many great efforts. However there are the objective situations. It is my intention to discuss this question with you today but because of our conditions of communication how can I do that? Therefore I have to postpone it until tomorrow. And we are now facing a very great question and very difficult question.

Dr. Kissinger [interrupting]: Excuse me, I want to do one thing. I want to make sure that they interrupt General Haig no matter what else he does so that he can receive the message. Our secretaries are very tough. [Dr. Kissinger leaves the room again for about three minutes, then returns.]

Excuse me, Mr. Special Advisor, I don't want to be impertinent but I wanted to be sure the message went back correctly.

Le Duc Tho: Never mind. It is no matter.

Dr. Kissinger: Now there will be no more interruptions.

Le Duc Tho: Therefore tomorrow at our meeting both sides should make a great effort, then we can arrive at a settlement. But it may happen that we can't reach a settlement tomorrow. It will be the best if we can settle tomorrow. But if there are differences between us tomorrow, then how can we settle the problem then?

As far as we are concerned, we have made and will continue to make efforts to settle the problem. But the question that is in our face now is under discussion with you. This is my personal view, because as I told you the other day my government disagreed with my view on this question. Therefore I have to reopen the discussion with you.

Therefore I have to report to my government to see whether my government would accept my views. This is the situation. It does not mean that I have agreed with you then I do not want to settle with you. As you see, in the text of the agreement we have agreed to, I have not changed any word in it. But so, once we have agreed, we don't ask for any change. But when the question is under discussion, you can ask for some changes, you can ask for some amendments, and I can do that too. This is the way we are conducting the negotiations, and the question is under discussion now.

Actually there is only one question left now. Of course we should make an effort to reach a settlement. Of course it is not because of that question that it will prolong the war. It is not for that question that we will continue the war. This is a fact.

Dr. Kissinger: Well, Mr. Special Advisor, I understand the problem and it is a problem that all negotiators face at some point. In fact there were a number of points on which you withdrew an agreement you had made last week and on which we did come to an understanding. On issues such as Article 1. I am not criticizing you, I am just saying . . .

Le Duc Tho: This is because of the instruction of my government.

Dr. Kissinger: I understand that. We made a great effort on an article that is very painful to us, as a sign of really very great good will. But look at our situation. Because we too have communicated things to our people. And if the war continues it will not be just because of this one sentence but because both sides have made an accumulation of moves where anything else just goes beyond the limit. The Special Advisor used the example of a glass that bursts, about two weeks ago, when you put one degree more heat in it than it can stand. It isn't the last degree that does it; it is the accumulation of all the things that have gone before.

Le Duc Tho: Of course.

Dr. Kissinger: And if you look at our minimum necessities, you will see that this is almost the only sentence that remains of what we started out with. We have gone to great lengths to avoid any reference to your troops, any reference to territory, any reference to any of the things which you consider a question of principle. But if now this sentence becomes deprived of all meaning, then it will not be one sentence but a total picture that makes it always—that may lead to the end of the negotiations. And then we will have, as I have pointed out to the Special Advisor, to face the reality that however the war then ends it will be with a different kind of negotiation.

I was just going to suggest that whenever you are ready we should go to the agenda you are going to discuss.

Le Duc Tho: Let me add a sentence.

Dr. Kissinger: Well.

Le Duc Tho: Each side's requirements has its limits. You have your limits, we have ours. We cannot go beyond this limit even though we want it. Therefore both sides should realize the other side's limit, to settle the problem. Let us now go into the problem.

Dr. Kissinger: I see the Vice Minister is at it again. [Laughter]

Le Duc Tho: You have given us a paper in which there is your proposal how to sign the agreement. We have carefully considered this question. We think that your proposal on the way to sign the agreement is not adequate. We have agreed to the agreement. If the four governments will sign the agreement separately, then the agreement will have no value—that is to say, the two parties will sign the agreement, the two other parties will issue notes of adherence. So this way our signing the agreement in my view have no binding power to force the parties to strictly implement the agreement. It may happen that one of the two parties will issue a statement in one way and the other party will issue a statement in another. Even it may happen that one party may reserve some of the provisions of the agreement. So this way of signing will not insure the strict implementation of the agreement by all the four parties.

Therefore I propose to you, Mr. Advisor, and as you said previously that the two parties will sign the agreement, then all the four parties will sign the agreement. This will insure the correct implementation of the agreement by all the parties, and there is some binding power to it with regard to the parties.

As I expounded to you in October, I think that this way is the best way to sign the agreement, that is to say that the agreement would be signed by two parties then all the four parties will sign in the same text of the agreement. And I agree with you that the agreement should be signed by the Foreign Ministers.

Dr. Kissinger: Mr. Special Advisor, without any doubt you will occupy the best minds in our Foreign Office on this new point of theology which you have raised. [Tho laughs.]

As I understood it, Mr. Special Advisor, in October you were thinking only of a two-party signature. There was no question whatsoever of anyone else signing it at that time. If one reads your document that you submitted to me in October it went into effect upon signature of the two parties.

Le Duc Tho: In fact when I gave you the document, the document was to be signed by the two parties. But the situation has new elements now because Mr. Nguyen Van Thieu is now energetically opposing the agreement. He stated that if he wouldn't sign the agreement he would not implement it.

If now Mr. Thieu issues a separate statement he might reserve some articles. So I think that if all the four parties will sign the agreement it will show the seriousness of the parties, and the agreement will bind the four parties in implementing it. Moreover, at the Kleber sessions there are representatives of the four parties, so if all the four parties will sign the agreement it is something logical.

Dr. Kissinger: But as we have often discussed, Mr. Special Advisor, I think we can all think up many things that are logical. The question is whether at this late stage we should introduce new elements. Under your old formula, in effect, either of the two South Vietnamese parties could have avoided responsibility for the agreement by simply claiming that it did not agree, and you and we would have signed it and it would have been an extremely difficult situation.

What we are proposing now is what we would consider two identical letters of adherence and in which obviously no provisions could be reserved.

Le Duc Tho: In my view, the agreement has reflected the obligations of all the four parties, and moreover it is not a difficult question, the question of procedure to sign the agreement or any legal question to sign the agreement. I think that after the two parties will have signed the agreement all the four parties will sign the agreement.

Dr. Kissinger: But why?

Le Duc Tho: Because if the two other parties will issue a note of adherence it will belittle their responsibility toward the agreement, and it might happen that one of the two South Vietnamese parties, the Saigon Administration or the PRG, may claim that they will not implement some of the provisions because the agreements are only signed by the US and the DRV. Although they have given their acceptance of the provisions of the agreement. Previously Mr. Special Advisor has raised the question of the agreement being signed by all the four parties. I think it is a good idea.

Dr. Kissinger: Yes, but when we discussed the matter in October this issue was never raised by the Special Advisor, and I am certain for a very good reason. And because he knew very well that a rapid signature would not be possible under those circumstances and that we would repeat once again the months of discussion that were involved in deciding on the shape of the table. So the Special Advisor is raising not just a procedural point but a very important new point. And there is no possibility of any legal lack in the procedure which we have proposed.

Le Duc Tho: Because in fact there are four belligerent parties in Vietnam now and it would be good if all the four parties were to sign the agreement. Moreover I don't find any difficulty in this question.

Moreover the agreement has been agreed to by the Saigon Administration on your side and by the PRG on our side. [Ambassador Sullivan and Dr. Kissinger confer.] And for the time being the Saigon Administration is opposing the agreement, and if there is no binding power for the implementation of the agreement then the agreement would be threatened with violation. Therefore the agreement before it is being signed have already the root, the embryo of disagreements. Moreover, my proposal on the way of signing the agreement shows our seriousness in implementing the agreement.

Dr. Kissinger: Mr. Special Advisor, there has been a consistent pattern in the last ten days, of issues that could have been settled very rapidly if the two sides were interested only in the substance. But your side wants to use each substantive provision for political warfare against the Saigon government. This is turning into a great impossibility for us. We told you we will sign a reasonable agreement even if Saigon disagrees with us, and it can be no secret of the fact that Saigon is disagreeing with us. But if you keep hammering on your requirements in such a way that we can only draw the conclusion that it is only an indirect way of overthrowing the Saigon government, then we will not be able to do it. Because we will not be able to sign an instrument that history will judge was only a way to give you your objective. We have always said we will give both sides a reasonable point, but now we are already being asked to convince our ally of signing a difficult agreement and being asked to undergo what they consider a humiliation.

The proposal you made in October took account of this, and provided no safeguard whatsoever for one party not joining, simply disregarding it. Our proposal provides a perfect legal guarantee of the fact that the agreement must be implemented. Thus I consider this the introduction again of a major substantive new point and, on this basis, we will never conclude. It will be totally impossible to conclude.

I also must say in all candor one other thing, Mr. Special Advisor. Since the end of October we have been unusually restrained. We have not answered any of the charges that have been made against us. We have not given our side of these discussions at all. We did it because we did not want to encourage the opponents of the agreement into thinking that they could sabotage it. And we did it to show our good faith towards you. Therefore we have let you dominate the discussions with your version. If we settle, this will all have been worthwhile, and no one will care who spoke to Mr. Randal of the *Herald Tribune* last. [They laugh.] I know we are not speaking to him. But sooner or later we will be forced to give our side of the story and then everything will become hopelessly difficult.

I have come honestly to every meeting believing that it would be our last day. [Tho laughs.] But we are now reaching a point where

either I replace Ambassador Porter or I turn to other things. [Tho and Xuan Thuy laugh.] And what you are proposing now is adding weeks of negotiation. If all the other provisions were very brilliant it is something we could consider. But you are too tenacious a negotiator to have given us the opportunity to emerge out of this with a very brilliant agreement from our point of view.

Le Duc Tho: [laughing] You are more tenacious than I am.

Dr. Kissinger: Can we get that on a document like this and sign it so I can send it to Washington? [Laughter] Whatever little margin may theoretically exist, the Vice Minister is more than overcoming. Then we add the Minister's specializations on the DMZ and the Ho Chi Minh Trail. [Laughter] That is a very unequal contract.

At any rate, what you are adding is weeks of complication. And that may be desirable, but we are running very close to the point now where we will have to consider what justifies continuing these negotiations.

Le Duc Tho: It is not my intention to raise any questions which make the negotiations difficult. You have made a proposal, we have made ours. And we have made a proposal that is in my view fair, reasonable and correct. Moreover in last October you have made the same suggestion that the agreement would be signed by two parties, then by all the parties. It is not my intention as you say that we wage political war against the Saigon Administration or even to overthrow it indirectly.

Dr. Kissinger: But you won't resist it if it should come about as a result of it. [Laughter] If an accidental result of this agreement were to come about you would not believe that it was an unfortunate consequence!

Le Duc Tho: But this will never happen.

Dr. Kissinger: What?

Le Duc Tho: Because what you say that we want you to overthrow the Saigon Administration indirectly. It will never happen.

Dr. Kissinger: You want us to help you.

Le Duc Tho: You want to consolidate the Saigon Administration already.

Dr. Kissinger: I think, Mr. Special Advisor, we can of course return to the formula of last October, in which neither party adheres and then have a document whose legal significance will occupy students of international law for many years afterwards.

When you come to Harvard you might give a lecture on that subject.

Le Duc Tho [laughing]: I will yield the floor to you because I have no experience at all in this subject of signing agreement.

Dr. Kissinger: I understand your point, but I think it would make the signing very difficult. But I agree with you that the instrument of adherence should be word-for-word the same on both sides and that no reservations are permitted. And the reason, may I add, why this procedure—once we have a satisfactory agreement—is desirable also is because you and we can then proceed even if objections should be raised by any of the parties. It is our guarantee of giving the schedule we are discussing an inevitability.

Le Duc Tho: But, as you say, if one of the four parties will not implement the agreement then what value will remain to the agreement if even we both sign it?

Dr. Kissinger: In that case you and we must have a serious discussion. That is a subject I wanted to discuss with you after we had agreed on the document. If I come to Hanoi to initial an agreement it will be with the intention of seeing it implemented. If we agree tomorrow, we are prepared to proceed to the signature regardless of consequences.

Le Duc Tho: It is my intention if now we come to an agreement, if the Saigon Administration agreed to it, if the PRG agreed to it, all the four parties agreed to the agreement, then if all the parties will sign the agreement it will be all the better because there will be a binding power to the parties who sign the agreement and it will guarantee the implementation of the agreement. Moreover we have had experience of Geneva in 1954: Some of the participants signed the agreement; some others did not sign the agreement and issued a unilateral statement, or made a statement unilaterally or refused to sign the agreement and that did complicate things. If now Mr. Advisor, if you don't have any views on my proposal now, please think it over.

Dr. Kissinger: Oh, I have views. They are negative. [Tho laughs]

May I ask the Special Advisor this question? I am assuming these signatures are with the titles. [Tho confers with Thach.]

Le Duc Tho: Yes, the title, the functions of the signatories. But you, yourself, Mr. Advisor, you suggested the idea to me last October, and I find it very good idea and I agree to it.

Dr. Kissinger: Mr. Special Advisor, you know what the problem is and why you proposed what you did in October, which was the right way of proceeding rapidly. At that time the DRV side was prepared to sign an instrument whose legal significance was practically nil, because if either of the other two parties had decided it did not concur, the mere fact that we signed a document which said they had concurred had no legal force whatsoever. You know that very well. If I sign an agreement and say "the United States with the concurrence of the Government of the People's Republic of Outer Mongolia," and make 50 provisions in this agreement, and then the Government of Outer

Mongolia says they never have heard of me—which is hard to conceive but not impossible—then they are in no way bound to abide by this agreement. [Tho laughs]

Le Duc Tho: This was my proposal in October. At that time there was difficulty, but since now throughout our negotiations here the text of the agreement are known to the Saigon people, are known to the PRG. They have discussed it, they have agreed to it, and if now all the four parties sign the agreement it will be better for the agreement.

Dr. Kissinger: I understand that it has certain advantages, particularly for some of the objectives I mentioned to the Special Advisor. But if we want to move rapidly to a conclusion, if the Saigon Government will not sign this document you have no agreement. If the Saigon Government gives you an instrument of adherence in which they adhere to every provision of this document, and if it is attached to this agreement as an integral part of this agreement, and if the PRG does the same and it is attached to the agreement as an integral part of the agreement, then you have a perfectly legal document. And that is one way—the only way—we can consider meeting the schedule we have given to you here. And it goes further than what you asked from us in October.

And it isn't a good argument to say that in October the Saigon Government would have been bound, because they hadn't read the agreement, but now that they have read the agreement it requires a more formal instrument of adherence. I think that is an argument you might wish to reconsider. It is an interesting theory of international law that a document which a party has not read requires a less binding signature than a document which it has read.

Le Duc Tho: I think it is more convenient and no difficulty at all if now the agreement is agreed to by all the parties, by the Saigon Administration, by the PRG, then all the four parties will sign the agreement. There is no difficulty. It is well known that there are four concerned parties involved in the war in Vietnam. It is a natural thing that all the four parties will sign the agreement.

Moreover, the signing of an agreement does not mean that one side or one party recognizes the other. If now there is an agreement signed by the four parties it will save a great deal of paper. Your way of signing will increase the amount of paper used.

Dr. Kissinger: That is right, and I think we have a moral obligation therefore to supply the extra paper that is required. [Laughter] And I am prepared to make an understanding with the Special Advisor on that point.

Mr. Special Advisor, let us look at the reality. I have given you a procedure that we thought about very seriously, that if we agree to

tomorrow will inevitably lead to a signature, and which forces any party which wishes not to carry it out to dissociate itself from it in a substantive manner. If now we follow your suggestion we will have added a major procedural issue to what is already a major substantive problem.

We have moreover agreed to mention the PRG in the Preamble, and we have the impression, which may be incorrect, that when Madame Binh submits her letter of adherence it will not be in the most modest formulation that is conceivable.

So this combination then would bring about, as I say, a clear schedule, a certain conclusion, and we agree that no reservations can be permitted as to any substantive issue. And any party that failed to submit a letter of adherence would be running a considerable risk. Now that is the reality.

Le Duc Tho: Let me ask you this question, Mr. Advisor. If you propose this way of signing the agreement, what about the protocols? The protocols should be signed by all the four parties because the protocols deal with very concrete questions. If one party does not sign the protocols, how would we implement it?

Dr. Kissinger: Ambassador Sullivan has told me that he has reviewed the protocols in such a way as to remove that difficulty.

Le Duc Tho: What do you mean by that? It is not clear to me yet.

Dr. Kissinger: As I understand it, my interest in the supervisory machinery is about equal to that of the Special Advisor. And if since he has promised me he will personally take me to the Ho Chi Minh Trail I no longer need an inspection post there to give me an excuse. [Laughter]

So, Bill, do you want to explain why you think this protocol fixes the problem? I am asking Ambassador Sullivan to explain.

Amb. Sullivan: We have had our legal experts make a revision which would make it possible for the two parties, that is to say the United States and the DRV, to sign instruments with respect to the protocols that could be similarly adhered to by the South Vietnamese parties to bring them into effect the same way as the agreements would be brought into effect.

Dr. Kissinger: Speaking very candidly, Mr. Special Advisor, I do not fully share the Special Advisor's optimism about the spirit of conciliation and concord that will predominate in South Vietnam after the signing of the agreement. But the question we now have is—this political contest which will inevitably start after the agreement is signed—should it be conducted as an aspect of our negotiations, or should we finish our negotiations and let the political contest start that is inevitably going to result? But if it turns out that the Special Advisor is right,

and there will be a spirit of reconciliation and concord without hatred, for the first time in 20 years in South Vietnam, then it does not make any difference. But the main thing now is whether the two South Vietnamese parties should be permitted to engage in this endless struggle as an aspect of our negotiations and thereby make them never-ending.

Does this tape recorder pick up the whispering between me and Ambassador Porter? If so, we have to clean up the language.

Amb. Porter: I don't think so.

Le Duc Tho: It is our intention to have the agreement signed by the four parties. It is also our policy to achieve national reconciliation and national concord. Of course there are a few people, a number of elements who are warlike people—bellicose people, but as to the overwhelming part of the Vietnam people it stands for national union and national reconciliation and concord. As to the signing of the agreement, that is another question; it is another, the question of national reconciliation and concord.

Dr. Kissinger: Well, I think, Mr. Special Advisor . . .

Le Duc Tho: Let me speak a few words more about the protocol.

Dr. Kissinger: About the protocol? Please.

Le Duc Tho: The protocol will deal with many many concrete questions. For instance, the question in the protocol regarding the formation of the Four-Party Joint Military Commission. Is it possible that we both only sign the protocol and the two South Vietnamese parties will only adhere to the protocol? [Laughter] It is not logical, this.

Dr. Kissinger: And of course we could also spend the 60 days of the existence of that Four-Party Commission debating who is to sign it. That is the other alternative. [Tho laughs]

Le Duc Tho: Although the life of the Four-Party Joint Commission is 60 days, it has its legal value too.

Dr. Kissinger: Well, what does the Special Advisor propose we do? Because I don't think this question is soluble.

Le Duc Tho: So I propose a little break now, and after the break we shall shift to the other questions. It is a way out too. [Laughter]

Dr. Kissinger: If we are still here on Christmas Day, may I invite the Special Advisor to dinner at the American Embassy? [Laughter] After Mass, because I don't want to interrupt his observance of it. [Laughter]

Has the Minister read all my notes yet, or should I hold them up against the mirror a little more? [Laughter]

[There was a break lasting from 4:55 to 5:15 p.m. During the break Le Duc Tho sent in a proposal to end the day's meeting at 6:00 p.m.]

Le Duc Tho: Yesterday I discussed with Mr. Advisor the question of the civilian personnel working in the armed forces of the Republic of Vietnam. We have made an effort not to write this question into the agreement, on the basis that there would be an understanding that you will withdraw all American or civilian personnel of the United States and other foreign countries aligned with the United States and the Republic of Vietnam within a certain period. You propose a period of 15 months after the ceasefire; we propose a period of 6 months. When the United States forces withdraw from South Vietnam these civilian personnel working in the army of the Republic of Vietnam should be withdrawn too. We are taking into account of your view; we have proposed the period of six months. You said also that pending withdrawal no civilian personnel of the United States or other foreign countries allied with the United States and the Republic of Vietnam will participate in military operations or operational military training.

Let us now exchange views on the period for the withdrawal of such civilian personnel. I think that the period we proposed is a reasonable one. As to the period you propose, it is too long.

Dr. Kissinger: Well, I have explained to the Special Advisor why we think that the period we propose is reasonable. It is nine months shorter than any of our experts tell us is feasible. It represents a serious effort. You are under no restrictions at all with respect to foreign advisors.

Le Duc Tho: The question is different for the Democratic Republic of Vietnam. It is a sovereign country. It is a different case for the DRV. The DRV is a sovereign country. We can receive foreign experts in it. As to South Vietnam it is different. You come there now and after the end of the war you would withdraw from South Vietnam; all American personnel should be withdrawn. It is something reasonable. We have discussed this. And moreover this withdrawal of American forces has been written in the agreement and we have been discussing this question with you for a long time already. Now taking into account of your view, we have proposed a period. As to the period you proposed, we think it is too long and unacceptable to us. You should realize that this period you propose is something illogical.

Dr. Kissinger: There is a rather weird aspect to our discussions here. We have a provision in the agreement. There was some discussion about personnel in military branches, as the record shows, and it was dropped. We specified precisely in the agreement in October what personnel had to be withdrawn and what personnel did not have to be withdrawn.

Le Duc Tho: Now what I want to discuss with you is the period of withdrawal. We agreed that there are categories of personnel that have to withdraw within 60 days. There are categories that can remain for some time.

Dr. Kissinger: What I am trying to tell you is that—I tried to tell you for weeks; I explained it very explicitly Friday—we have to go to Saigon to try to bring about rapid adherence to the agreement. We have scaled down our demands to the absolute minimum, and every session begins with you adding some additional demands of your own which change, weaken what we had already achieved in October. So the objective result is that we will have to go to Saigon with this. With respect to the signing it is worse than in October; with respect to civilian personnel it is worse. And then you are asking the President of the U.S. to go before the American public and say, “I have made a reasonable agreement. If necessary I will settle it alone, I will go against our ally and I will say why we have had to concede five other points.”

It is illogical; it is against reality. And then we think we have it down to one point and think we are going to settle this point, two or three other proposals are added. I am become, quite honestly, extraordinarily pessimistic. And we will have a great propaganda battle and then Ambassador Porter and the Minister can shout at each other for months. It won't change reality. I thought we were in sight of an agreement and we would get it done here today, and yet we have spent much of the afternoon doing things which I know we cannot convince people of.

The six months is impossible, 15 months is really impossible; all our experts tell us it takes 24 months. After then there will be restrictions put on that no other government has to accept.

On the issue of sovereignty, that is in dispute and it shouldn't have to be settled here. We of course recognize the sovereignty of Saigon.

Le Duc Tho: I disagree with you when you say that my way of negotiating is something extraordinary. The agreement has been agreed to and you have raised many new questions. It is not I who did that. You added more demands and not I. We only maintained what has been agreed to between us. You propose a way to sign the agreement; I propose another one. Why do you say that my way of negotiating is something peculiar? If you disagree to my proposal, please put forth another one, and we shall discuss.

Regarding the civilian personnel you propose 15 months; I propose 6 months after the ceasefire, and you say this way of doing it is something extraordinary. The long discussions we have had are because of the many questions you have raised. You should realize that we have made very great effort to come to the agreement, to the solution we proposed.

Dr. Kissinger: I must tell you, Mr. Special Advisor, I am no longer so sure that the negotiations here are designed to produce an agreement. Since my press conference on October 26 you have known exactly what we would propose. In every communication to you we have

repeated it, and the changes, most of them, really are of not very major significance. I thought when we came here the first time that we could settle in a very brief period, and that was our intention. I thought this time certainly we would settle in two days. And we had made all of our arrangements on the assumption that the Vice President would leave last Wednesday, and after that events would have unfolded inevitably—in fact I gave you a schedule—and after that events would have had an inevitable evolution.

Now then if we review our discussions you will find that at the beginning of every session over the last week I have withdrawn particular proposals. And yet on your side there has been a constant series of pressures on one or two neuralgic points which you have discovered. It is beyond the point whether it is reasonable or not. We are at a point now which is almost where our discussions are almost like those at Kleber, with all respect to Ambassador Porter and Minister Xuan Thuy.

If we want to settle rapidly we have to move rapidly. And we are not moving at all rapidly. We are repeating the same speeches at every session. So on Saturday I thought we were down to one problem, which we have now increased to three today. And given the record of having raised Article 5, I am waiting for Article 8(c) to be raised again. [Tho laughs]

Le Duc Tho: I will follow up with you Article 8(c) even after the signature of the agreement.

Dr. Kissinger: I think at this rate, Mr. Special Advisor, we won't have that embarrassment. Concretely, Mr. Special Advisor, how do you visualize the procedure? We have a whole series of unilateral understandings to discuss, which, if I am any judge . . . I mean some mutual understandings and some unilateral declarations which each side will no doubt make. They will take time. We have the DMZ point, about which you are to receive instructions. We have to have a preliminary discussion on protocols. We have to agree on a schedule, and I understand you want to close today's session fairly early.

So then how? And I must leave tomorrow night, so are we really talking about bringing this to a conclusion, or what are we talking about? I will have stayed in Paris for over ten days. And occasionally we settle half a sentence in one day, and occasionally we fall back. So we start every meeting on our side thinking that this time we will conclude it.

But now I am beginning to wonder whether we are not running out of time, because I don't see now physically how we are going to handle the work that remains to be done, and I will appreciate the Special Advisor's suggestions. We will have one consolation, Mr. Special Advisor, nobody will ever come closer to agreement than we did without getting it. That is physically impossible.

Le Duc Tho: You have finished, Mr. Advisor?

Dr. Kissinger: Yes.

Le Duc Tho: I disagree with you with regard to your evaluation of our negotiations. You said that our discussions are prolonged and because of I. I do not want to debate this question with you because I have expounded my views on many occasions. You say you want no dragging on of the negotiations, you want it to conclude. You maintain your stand regarding many questions, and we have our stand too regarding these questions, and you say that I am creating difficulties. So it is not true what you say. So when we responded to your requirement, then you say that we have achieved progress rapidly and it is some reasonableness shown, but when you do not respond to our proposal then you complain that we are dragging on the negotiations. You have your views on the way of signing the agreement. You maintain your view of the period for the withdrawal of civilian personnel. We have our view too on these questions. We should discuss these questions. If you maintain your views on these questions how can we progress rapidly?

Mr. Negroponte: Your demands are excessive.

Dr. Kissinger: What?

Mr. Negroponte: He said your views are excessive.

Le Duc Tho: Now there is an important question left. We are awaiting the instructions of my government. Tomorrow we shall discuss this. Pending this question we are proposing to discuss the understandings. You proposed this, to discuss the understandings. So if you have any understandings to make, please raise them and we will discuss it.

As to the schedule it is also our desire to keep to the schedule you have proposed and to reach good results.

Dr. Kissinger: But quite realistically, Mr. Special Advisor, on the schedule—and this is a fact—if the Vice President doesn't leave tomorrow it will become nearly impossible. If he leaves after Wednesday it will become totally impossible, because I cannot leave for 48 hours until after he has returned, and the fact of the matter then is that it would run—I cannot be in Hanoi on Christmas. That would never be understood by our people. And I cannot go to Asia only to go to Hanoi. I must have some other stops. This is a fact. That doesn't mean that it will be forever impossible. It means that we are now at the margin. Thirdly, I must return to Washington because I am already severely criticized for having extended my stay. That is another fact, and these are our physical realities that we are up against right now.

And therefore it is the nature of these agreements that in a war that has lasted this long and which has built up so much distrust that

there will be many unsatisfactory elements in it for both parties. If one party wants exclusive satisfaction there will never be an agreement, and therefore what we now have to settle is whether we both want to accept the risks of peace or whether we have become so used to war that whatever the risks we would rather live with this than with the uncertain consequences of peace. That is the basic decision.

In October we settled many things quickly because we had a deadline. Now we don't have such an explicit deadline, but it could happen that events will run away with us. That is what we are up against right now. And as I have pointed out before, the whole framework of this negotiation will be different because there will be new realities after this. This is where we are now.

We have some understandings. We want to discuss largely the understandings we have already had. They are in two parts: some mutual understandings and some unilateral statements of our position, for which you are not responsible but which we will give you only to avoid misconceptions later.

Le Duc Tho: Regarding the schedule, I agreed to the schedule you propose. Last time when you proposed your schedule I agreed to it. And since it began on last week you have proposed many schedules too. But no one has been kept. The October schedule was broken. [Kissinger laughs] Last week the schedule was broken too. When we met at the beginning of this week the schedule you proposed also cannot be kept too. When you propose a schedule I want to keep it because I want rapid progress. But we can't progress and you complain that it is because of my negotiations. When you come here you raised many questions, and that is the cause of our slow advance. If now you review the negotiation, we have not changed any word in the agreement. Through our negotiations I have raised a number of questions but finally I have dropped them all.

So the main question regarding the schedule is that whether the questions we raised reflect our due consideration of bringing about an appropriate settlement or not. When the proposed solution is appropriate, sometime it needs only two or three days to come to a settlement. But when it is not appropriate then it will take a long time. So the discussions keep it beyond the schedule we have decided. We have got some experience about the schedule you have proposed. But when we reach basic agreement then the agreed basic text of the agreement will give us some idea of the schedule which will be kept. But since now the basic agreement is not reached yet, now I shift to discuss the understandings and we should discuss it to come to understand each other's stands. This is my view regarding the schedules.

So I have raised the question of the signing of the agreement and the question of the period for the withdrawal of American civilian personnel. So our views still differ on these two questions.

Dr. Kissinger: Yes, but I would like to call the Special Advisor's attention to the fact that both with respect to the signing and with respect to Article 5 we are prepared to maintain the original text.

And if we were to sum up . . . so I have explained to the Special Advisor often enough what it is that was needed, and it has now been reduced to very very modest proportions, and the changes in the text that now have been made are very insignificant. On the other hand the Special Advisor keeps introducing things that are very major changes in substance.

But even this is itself all really close to the point of being irrelevant. Because no doubt every day either of us can introduce something which he knows the other one won't accept. It takes no great wisdom to protract these negotiations, just a certain debating skill. It does take some wisdom to end them.

Le Duc Tho: [Laughing] But your requirement is always too high. If it is moderate we will solve it immediately.

Dr. Kissinger: Mr. Special Advisor, we have gone through this. You have withdrawn Article 5 three different times and you keep raising it again. It is no concession to get in an understanding what you had in an article if the practical consequence is the same. That's no concession. Your contribution to today's discussion—assuming the Vice President were to leave tomorrow—was that he should add to what is already very difficult the statement [to the South Vietnamese] that all civilians would leave in six months and thereby paralyze all sophisticated equipment, plus the course we had already agreed to on the signing must be changed to force you to an unacceptable relationship with the PRG. This is sure to make the Vice President's task easier.

Le Duc Tho: We have taken into account your views, because at the end of the war you should withdraw completely all your forces, civilian personnel as well as military personnel working in military branches.

Dr. Kissinger: I know that Ambassador Porter as well as his successor and the Minister will have spirited and important discussions on this question.

Whatever may be said, the reality is that Article 5 as now written does not require what you are demanding. So it is no concession to us that you are giving us 6 months for something which had unlimited duration before. Nor was it a concession . . . On Saturday you said that if I made a big effort you would make a big effort. Then I withdrew our option to have Article 4 deleted; therefore you said your big effort is not to change Article 5. Now you want an understanding on what you were going to put into Article 5, having the same practical consequence. Perhaps I should reopen Article 1 and say let's go back and say "All

countries shall respect” and I will give you a private understanding that the U.S. will respect the integrity and so forth. And we can delete Article 4 and I will give you a private understanding about that too.

Le Duc Tho: Now regarding the question of civilian personnel, we agree to the former formula but since now you are introducing a great number of civilian personnel into South Vietnam, therefore I have to raise this question and therefore the question of the period for the withdrawal of the civilian personnel arises. You propose 15 months. I think that this period is too long. I propose 6 months. But you have not discussed it.

But I propose now to leave this question aside. Now let me speak about the way of signing the agreement. Now I propose a new approach to this question. I think your proposal is not so logical. [Laughter]

Dr. Kissinger: Statistically it is impossible for me always to make illogical proposals. Once in awhile I have to be right. [Laughter]

Le Duc Tho: I propose now that the two parties will sign the agreement. But regarding the signing by the PRG and the Saigon Administration I disagree with your proposal. I propose the U.S. and the DRV will sign the agreement. But the PRG and the Saigon Administration will sign the same text of the agreement, but separately as you proposed before.

Dr. Kissinger: Yes. [Confers with Amb. Sullivan.] I don’t understand. They sign the same document?

Minister Thach: Same terms.

Dr. Kissinger: But each signs it separately.

Le Duc Tho: The same agreed provisions. The same terms.

Amb. Porter: But the same text.

Le Duc Tho: Yes. The same agreement. But sign just like the document you and I sign. The difference is that they will sign separately.

Amb. Porter: So three copies of the same document, one for us and DRV, and one for Saigon and one for the PRG.

Le Duc Tho: But the same text.

Dr. Kissinger: Let me consider this until tomorrow. It has a possibility.

Le Duc Tho: So I have done my best to find out the formula, a way out for that. [Kissinger laughs]

You want the ceasefire to be observed in Laos very early and you want a slower withdrawal of your forces, the civilian personnel withdrawal.

Dr. Kissinger: Now just a minute, Mr. Special Advisor. Your ability to sell the same thing five times is unbelievable. [Tho laughs] You have withdrawn Article 5.

Le Duc Tho: You sell the same thing ten times.

Dr. Kissinger: I never get any price for it. Because as soon as I make a proposal the Special Advisor says Article 5. [Laughter] Then if in doubt he says Article 8(c). When he gets bored with that.

Le Duc Tho: Because they are two important provisions.

Dr. Kissinger: I am not debating with you their importance, Mr. Special Advisor, I am debating with you their finality. [Laughter] You have withdrawn your proposal on Article 5 innumerable times. In Washington they are beginning to think I am an idiot because every day I report the Special Advisor has made a new concession; he has restored Article 5 to its original form. Now they have forgotten what the original form was in Washington. [Laughter] It is for the course on philosophy that I may eventually teach. The Advisor is producing a great new set of reflections about the nature of reality.

Now let me make a serious point. I have never accused the Special Advisor of telling an untruth. Amazing, but I have never done it. I was often tempted. [Laughter] But the constant reiteration that we are reintroducing a substantial number of civilian personnel cannot be maintained and should not be repeated. I have told the Special Advisor, and I am willing to write it into the agreement: one, that civilian personnel cannot be increased beyond the level it had October 15; two, that civilian personnel cannot perform functions that were not performed on October 15; and I am telling the Special Advisor that we are prepared to have a gradual withdrawal. None of this was in the previous agreement. All of this is an improvement over the previous agreement.

Moreover the Special Advisor on a number of occasions withdrew Article 5 only to reintroduce it. I would like to remind him of what he said Saturday, that if we made an effort he would then do the same. We made an effort, and he has been generous enough to change a legal obligation to an understanding. That is not an effort at all.

Le Duc Tho: If we write it in the agreement then the reader of the agreement will know that you will leave behind a great number of civilian personnel. Therefore we do not want to have this provision written in the agreement and we would rather have an understanding with Mr. Special Advisor, and now we are discussing the period for the withdrawal of such American civilian personnel. So you proposed to write in the agreement a provision allegedly beneficial to us but actually unbeneficial to us. Because it acknowledged that the United States is leaving behind civilian personnel. Therefore if we write in the agreement we should write that the total withdrawal of civilian personnel, but if we adopt an understanding we should discuss the period for the withdrawal.

Dr. Kissinger: I am prepared to give you an understanding of what I have just said, but it is no concession.

Le Duc Tho: But your period is too long.

Dr. Kissinger: We are not even talking about a period. We are talking about the situation we face. Twice during the week you withdrew your proposal for changing Article 5. Since we are going to keep our understandings as well as our agreement, it doesn't make any difference whether it is an understanding or an agreement. The obligation on us is the same. The practical consequence is that a provision which we had used in order to bring about acquiescence to the agreement will be changed in its character in such a way that it would worsen the original agreement, and in return for that to what can we point that is a concrete improvement for our allies?

In fact the practical result of all of this negotiation is that on the issue of very great concern to us you have no instructions; on the issue of very great concern . . . on the other issue, you are asking in the form of an understanding what we have innumerable times rejected as part of the agreement.

Le Duc Tho: On what question?

Dr. Kissinger: The civilian personnel.

Le Duc Tho: What you told me yesterday, now you change your mind. I disagree with that. We agreed to drop the question of Article 5 on the basis that you have an understanding with me on that question. You said that the civilian personnel will be gradually withdrawn and after 15 months they will be completely withdrawn.

Dr. Kissinger: That is right.

Le Duc Tho: The difference between us is now that you propose 15 months, and I proposed 6 months. We shall discuss this period.

Dr. Kissinger: And we will settle on 7 months, as a great concession to us! So when the negotiation is completed there will be . . .

Le Duc Tho: [Laughing] Half of the 15-month period is all right because your method can raise the double of the equal level.

Dr. Kissinger: I have to point out to the Special Advisor he still owes me 8 days from the troop withdrawal period. [Laughter]

Le Duc Tho: You used the example and called it horse trading. But actually it is not horse trading because in Vietnamese we say buffalo trading!

Dr. Kissinger: That is why the buffalo are nearly extinct in Vietnam. They died from boredom waiting around for the deal to be made. [Laughter]

Well, Mr. Special Advisor, this understanding in isolation from the other DMZ provision is almost impossible to arrive at.

Le Duc Tho: You put forward new conditions. Sullivan is undermining it! [Laughter]

Dr. Kissinger: I just know what is going to happen tomorrow. The Special Advisor is coming in and say, "I am going to make a big effort on the DMZ: I will change the word regulations to modalities if you will restore the original Article 8(c) and have an understanding that 10½ months means really 6 months in practice."

Le Duc Tho: Actually the proposal I made regarding the DMZ the previous times and last time too I was criticized severely by my government.

Dr. Kissinger: The last time too?

Le Duc Tho: Very energetically.

Dr. Kissinger: For the proposal you made last time?

Le Duc Tho: The previous time and last time. On Saturday. It is the reason why I have to exchange my message with Hanoi. Therefore I cannot accept you today.

Dr. Kissinger: But Hanoi isn't under the illusion that your moderation has so impressed us that we are going to accept it. Because I would hate to have you use up your influence in Hanoi on something that we will be forced to reject. [Tho laughs]

Le Duc Tho: It is up to you then.

Dr. Kissinger: Do I understand that the Special Advisor did not?

Le Duc Tho: I rejected your proposal and you have the right to reject mine.

Dr. Kissinger: Do I understand the communications between Paris and Hanoi concerns the request by the Special Advisor to get authorization for the proposal he has already made?

Le Duc Tho: It is not exactly true.

Dr. Kissinger: Because this way he can sell it to me twice. First the Special Advisor asks for a concession for his unauthorized proposal, and then he asks for another one for making it an authorized proposal.

Le Duc Tho: You have rejected my proposals twice, but I have rejected your proposals four times.

Dr. Kissinger: But Mr. Special Advisor, what you rejected was what you had accepted two weeks ago and what we had already communicated to our people.

Le Duc Tho: But that point has not been agreed. How can you communicate it?

Dr. Kissinger: It was agreed.

Le Duc Tho: This question was under discussion—not agreed to.

Dr. Kissinger: Well, so was the draft agreement before.

Le Duc Tho: But who has dropped the provisions in the agreement?

Dr. Kissinger: What do you propose concretely we do now? This is a very entertaining discussion and it is always a pleasure to engage in social talk.

Le Duc Tho: Going to specific questions, I will propose a few more understandings. This will apply to both sides. That we will both sides undertake to make the National Council of National Reconciliation be set up between the two South Vietnamese parties between three months. It is some positive effort from both sides.

Dr. Kissinger: It is a concession to us?

Le Duc Tho: Both sides will do efforts in this sense.

Dr. Kissinger: What other understandings?

Le Duc Tho: You will do it after and you will exert your efforts.

Dr. Kissinger: And have you any other understandings?

Le Duc Tho: Regarding the understanding regarding 8(c) I maintain your understanding I repeated to you in your message and there is an affirmation from President Nixon, but I propose two months for this release.

Dr. Kissinger: First of all there is no affirmation from the President of the understanding. The affirmation of the President concerned the two articles you had agreed with us. There was a separate part of the message in which all the understandings we considered operative were separately listed. So if you want to talk to me about the provisions of Article 8(c) do not mention the President again.

Moreover we don't accept 60 days either.

Le Duc Tho: Regarding your engagement regarding 8(c) you made the engagement during your meeting with Minister Xuan Thuy. Precisely because of this understanding we accepted the Article 8(c).

Dr. Kissinger: We have two separate problems; one is a proposal I made to Minister Xuan Thuy and second is whether this was confirmed by the President. My answer is that there is no proper reading of the message that would lead one to the conclusion that it was confirmed by the President. But I have told the Special Advisor that in principle I am willing to have an understanding on this question along the lines of what he is saying, if he will just stop mentioning the President and will consider that in relation to all other understandings that may be arrived at. If we could ever stop debating and start writing realistic understandings, I think this is not an insoluble issue.

Le Duc Tho: On other questions I don't mention President Nixon at all, but in the message sent by the President it was said that there are now two questions left; if we agree to these two questions then the text of the agreement may be considered to be complete. Therefore we

agree to these two questions—regarding the replacement of armament and regarding the question of Article 8(c)—then President Nixon receives this message and he expressed his satisfaction about our acceptance of these two provisions and said that he was satisfied with our good will and the text of the agreement might be considered to be complete, so we assume that President Nixon agreed to the contents of the understanding.

Dr. Kissinger: Then in the second part of that message the President pointed out that here is the list of understandings that we are basing our actions on, and he sent you a whole list of understandings which he indicated were the totality of the understandings. But as I said, Mr. Special Advisor, we can keep this up indefinitely. It is a fascinating theological discussion. It will never get the agreement done but it is very interesting and very stimulating.

Le Duc Tho: You proposed yesterday at the meeting that we should discuss the understandings, so I raise the various understandings now. Some of them have been settled, some others are not yet settled. So we will discuss those understandings which are not settled.

Mr. Negroponte: The ones which are settled I will give you a list.

Dr. Kissinger: Did we settle anything this afternoon? Or previously?

Le Duc Tho: The understandings we have solved previously, I recall to you those understandings.

Dr. Kissinger: Like what?

Le Duc Tho: The question of 8(c). [Kissinger laughs] The question of reconnaissance activities over the DRV.

Dr. Kissinger: I agree with you. It is the greatest achievement of the two weeks of negotiations.

Le Duc Tho: The question of aircraft carriers.

Dr. Kissinger: Do you remember anything turning out to our benefit?

Le Duc Tho: I shall come to that later. I shall point out those understandings that you owe to me. The understanding we have with you regarding Laos and Cambodia I have sent to you in the message; we maintain as they were.

Dr. Kissinger: Except for the length of time for the armistice.

Le Duc Tho: We will come to that later.

Dr. Kissinger: All we have to do for that is give up Articles 5, 8(c), 20 and . . .

Le Duc Tho: We shall finish, go through, all the understandings we have reached previously. That is a new proposal you are raising now.

Dr. Kissinger: To which the Special Advisor has agreed about three times in the last week.

Le Duc Tho: The previous understandings we have agreed to you in a message. We will also like that Mr. Advisor give us an understanding on the question of the U.S. contribution to the healing of the wounds of war. Just like we gave you our understanding regarding Laos and Cambodia. It is something you owe to me.

Dr. Kissinger: We will make an utmost effort. That is just what your understanding is.

Ambassador Porter just said he did not know what he missed. I said we don't get any more settled than he does with the Minister but we are having a better time in not settling it. But that is because there are no ladies present.

Amb. Porter: It is better than Kleber.

Dr. Kissinger: The reason is that it is an all-male party.

Xuan Thuy: But we have more time to speak at Kleber.

Ambassador Porter: I agree.

Le Duc Tho: So I will also recall that in September 1972 we raised the question of massacre of the military personnel and civilian personnel of the PRG by the Saigon Administration, and you promised that you will use your influence to put an end to these killings. So I recall this promise from you.

Now regarding Laos, your proposal to shorten this period for the ceasefire, we are prepared to fix an explicit period after the end of the war in Vietnam. But you should give us other understandings beside the previous understanding you have given us. So we will have an understanding to shorten this period.

Dr. Kissinger: Like what? Like give me a hint? Like the resignation of President Nixon? [Laughter] Can he be inaugurated first?

Le Duc Tho: It is your own affair.

Dr. Kissinger: Like the establishment of a government of national concord in Washington of three equal segments? [Vietnamese laugh] What understanding does the Special Advisor have in mind?

Le Duc Tho: I recall only the understandings that you have come to with us previously: the understanding on the U.S. contribution to healing the wounds of war, the understanding on the question of 8(c)—the previous understanding. The new one I would like to propose is that the two parties, the U.S. and the DRV, undertake to use influence so that the National Council for National Reconciliation and Concord be established in South Vietnam within three months after the signing of the agreement. It is for our mutual interest that South Vietnam maintain lasting peace. And we should insure the good holding of the two-party conference.

Dr. Kissinger: You and us? You are threatening me again.

Le Duc Tho: The two-parties conference for which we both have responsibility.

Dr. Kissinger: Because I am afraid I thought the Special Advisor was threatening me with another meeting. How about an understanding the two sides use their influence that demobilization occur within three months? If you are willing to do this we are willing to do the understanding on the national reconciliation conference.

Le Duc Tho: It is a very new proposal of yours.

Dr. Kissinger: Yours is a new proposal too.

Le Duc Tho: The agreement has not been explicitly written regarding the demobilization of troops.

Dr. Kissinger: But that shouldn't prevent us from having an understanding. Because the reason we said "as soon as possible" was because we thought it should be in two months. The reason we said "as soon as possible" is because we did not want you to raise it for three months. Well, it is of course true, Mr. Special Advisor, that all of your proposals are familiar to you and new to us and all of mine are familiar to me and new to you. It is in the nature of things.

Le Duc Tho: Because we are going in reverse the same direction.

Dr. Kissinger: That is an objective fact.

Le Duc Tho: And the objective facts sometimes they are soluble, sometimes they are not.

Dr. Kissinger: Mr. Special Advisor, this is a very charming conversation, but no understanding means anything unless we can reduce it to some language.

On the reconnaissance activities, on the aircraft carriers, on Laos and Cambodia, I think we are in general agreement with you. And the easiest way to handle the Laos and Cambodia understandings is to use the two messages that were exchanged, our message to you and your reply to us, that is, to use the authentic texts rather than write a new one. And that is the fairest way of putting it, to say what we said to you and what you said to us.

With respect to the amount, we have explained to you that we can only give you a rough estimate because it requires Congressional action. But we are prepared to discuss with you the general order of magnitude and of the direction in which we will make an effort. And I can assure you that this is also of course a problem that we are prepared to discuss in some detail when we go to Hanoi.

But let me make the following concrete proposal. Could I suggest, since we will not have the time to do it on tomorrow afternoon, that Ambassador Porter and Ambassador Sullivan meet with Minister Xuan Thuy and the Vice Minister tomorrow morning to go over the understandings that you want and the understandings that we propose and

see whether the language is acceptable to both sides? Because I absolutely must leave tomorrow evening and there will be no way if we go into anything like this tomorrow afternoon, there will be no possible way of settling it. And if we are not going to settle it at least let us not do it because we were not dealing with it in a serious way.

We don't mean to exclude you, Mr. Special Advisor, but I don't know whether Ambassador Porter's nerves after a year with the Minister are up to that challenge. [Vietnamese laugh]

Amb. Porter: During my time with the Minister I can say that my health has improved.

Dr. Kissinger: That is because he avoids most meetings now. And then if there are two or three issues of substance left, the Special Advisor and I can solve them in the afternoon. [They nod yes] May I make one other suggestion? There are a few unresolved issues on the text of the agreement. May I suggest that our experts get together again tomorrow and finish those and reduce—I think many of them can be solved by the experts, and then you and I can just concentrate on the two or three that involve political issues. I would suggest that a different group—two groups just to save time. Do you agree? So we have two groups of experts meeting in the morning.

Le Duc Tho: I agree.

Dr. Kissinger: All right then. We would be delighted to invite the two ministers to come to our residence, if they wanted to meet there, and we would send our experts to wherever you want them to come.

Le Duc Tho: This working method is logical I believe.

Dr. Kissinger: And each will bring one or two people.

Le Duc Tho: I agree that tomorrow morning Minister Xuan Thuy, Ambassador Porter, Mr. Sullivan and Minister Thach will meet to discuss the understandings. They will meet in the morning, here.

Dr. Kissinger: Here, or on Rue Faubourg St. Honore?

Le Duc Tho: It is more convenient here.

Dr. Kissinger: All right, we meet here.

Le Duc Tho: As to the experts they will use the habitual place. And then we will have the whole session here in the afternoon.

Dr. Kissinger: At 3 o'clock.

Le Duc Tho: 3 o'clock.

Dr. Kissinger: Shall the Special Advisor and I go to a museum together?

Le Duc Tho: At Gif-sur-Yvette.

Dr. Kissinger: Yes.

Le Duc Tho: So tomorrow, in order to come to a settlement, both sides should make a great effort. Because we have done great efforts.

But there are two possibilities, whether we will reach a settlement or we will not reach a settlement. We will have a further discussion, you and I will have further discussions, on the question of the period of the withdrawal of civilian personnel and the question of ceasefire in Laos. Or shall we leave the two questions for the Ambassadors and the Ministers? Leave them for a parallel discussion?

Dr. Kissinger: And what they cannot settle in the morning you and I will discuss in the afternoon. But may I suggest that they should begin with easy understandings, with the agreed ones, but then go to the others.

And really I must leave tomorrow night, so I promise not to make my usual speeches tomorrow if we are going to work seriously to an agreement.

Le Duc Tho: I will make an effort. If we come to a settlement you will return to Washington and I will go back home too. If we don't come to a settlement you will return to Washington and I will return to Hanoi too.

Dr. Kissinger: Yes. And this time if we come to a settlement there can be no interruption to the schedule from our side. It may be 24 hours. Because we have made the firm decision to proceed.

Now one other matter; we have to get the protocols. We have to get some discussion on the protocols. Could you bring the protocols in the morning? Your protocols? Because I have to read them before I leave.

Le Duc Tho: We will make an effort and we will endeavor to give you the protocols tomorrow. We are working . . . it is rather slow.

Dr. Kissinger: We will not be able to sign the agreement or even to initial it until we are sure this machinery will really go into action. And I think, if we are to make peace, after all the effort that has gone into it, we should not act like buffalo traders to the very end. We should make a generous move at some point and get it finished. Because after a certain point it will become important that the mood and the atmosphere with which the agreement is concluded not be one in which every party believes the other one always tricked it.

Le Duc Tho: Whether it is the buffalo trading or horse trading, it is up to you! [Laughter]

Dr. Kissinger: Already the Special Advisor is starting in the generous spirit I always associate with him.

Ten o'clock for the experts, and we will tell the press that there will be a full meeting in the afternoon and two expert groups meeting in the morning. They will find out anyway.

Le Duc Tho: Yes.

Dr. Kissinger: Is that agreeable?

Le Duc Tho: Agreeable.

Dr. Kissinger: We have an interpreter problem. We have only one interpreter and he will be needed on the meeting on the text, so if you would bring the interpreter to the meeting with the Ministers here. And we will be prepared to serve lunch to the Ministers here so that you don't have to go back to Choisy unless you want to. Oh, you have to go to Gif in the afternoon. We will be prepared to serve lunch here. I suggest the Special Advisor and I go to Notre Dame together in the morning!

Le Duc Tho: It is the first time Ambassador Porter and Minister Xuan Thuy have meal together.

Dr. Kissinger: First time.

Le Duc Tho: It is an event indeed.

Amb. Porter: I am sure we will never forget it.

Dr. Kissinger: And the survivor can write the text of the agreement. [Laughter]

[The meeting ended at 7:15 p.m.]

39. Memorandum of Conversation of a Ministers Meeting¹

Paris, December 12, 1972, 10:30 a.m.–1:30 p.m.

PARTICIPANTS

Xuan Thuy, Minister, Chief DRV Delegate to Paris Conference on Vietnam
Nguyen Co Thach, Vice Minister for Foreign Affairs
Trinh Ngoc Thai, Delegation Member
Nguyen Dinh Phuong, Interpreter
Notetaker

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
(Briefly at end)
Ambassador William Porter, Chief of U.S. Delegation to Paris Conference on Vietnam
Ambassador William Sullivan, Deputy Assistant Secretary of State
Mr. Winston Lord, NSC Staff Member

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 859, For the President's Files (Winston Lord)—China Trip/Vietnam Negotiations, Sensitive, Camp David, Vol. XXII, Minutes of Meetings, Paris, December 4–13, 1972. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at 31 Boulevard de la Saussaye, Neuilly-sur-Seine. All brackets are in the original. The tabs are attached but not printed.

Mr. Peter Rodman, NSC Staff Member
Miss Bonnie Long, notetaker

Xuan Thuy: How did you sleep last night?

Ambassador Porter: Very well, thank you. I hope you slept well last night, too.

Xuan Thuy: I slept rather well last night but it took me a long time before I could fall asleep. I was waiting for the message from Hanoi, but it did not come yet.

Ambassador Sullivan: We did not let Ambassador Porter go home last night. He had to sleep at our Residence.

Ambassador Porter: It was too late to go home and I telephoned my wife but she didn't believe me.

Mr. Minister, Mr. Vice Foreign Minister, as he said yesterday, Mr. Kissinger is planning to leave this evening.

[Aides struggle to get tape recorder going.]

Mr. Minister, we can go to the moon but we can't make this work.

Because Mr. Kissinger is leaving this evening, we really should pin down these understandings today. We should reach agreement on as many as possible, and then our principals can take up any remaining ones this afternoon.

There are two types of documents. First are mutual understandings, on which we should achieve agreed language. Our versions of those understandings consist of statements by one side and the response of the other. Second, our unilateral statements. These reflect our assumptions or interpretations. We will give you these unilateral statements for your information; we do not need to debate them or work out common language.

You listed your documents yesterday. I propose we begin by going through our documents today.

The first one concerns U.S. reconnaissance. We will read off the list. The second is aircraft carriers. The third is "Prisoners/Missing in Action of the Parties." The fourth is Cambodia. The fifth is a mutual understanding on Cambodia. Sixth is Laos. And seven is "The Unconditional Return of U.S. Prisoners." Do you have any comment at this point, Mr. Minister?

Xuan Thuy: Please go on, Mr. Ambassador.

Ambassador Porter: Well, we would begin with reconnaissance. There is a question of general agreement on substance and consideration of specific language. With "Reconnaissance"—the understanding on reconnaissance—it would be quite brief and it would read as follows: "With respect to reconnaissance activities the U.S. side confirms that with the coming into effect of the agreement reconnaissance activities

over the territory of the Democratic Republic of Vietnam will cease.” [Ambassador Sullivan hands over a copy at Tab A.]

If you would like to consider that or give us a reaction now, or we can proceed to go through the various texts as we have developed them.

Xuan Thuy: Please, Mr. Ambassador. Please, read out all the understandings. Then we shall come back.

Ambassador Porter: The next one is “Aircraft Carriers:” “With respect to U.S. aircraft carriers, the U.S. side cannot accept any restrictions regarding the transit of aircraft carriers, as was pointed out by Dr. Kissinger to Special Adviser Le Duc Tho on October 11, 1972. Thus, the understanding on this question with respect to maintaining a distance of 300 miles from the shores of North Vietnam refers only to the stationing of U.S. aircraft carriers.” [Ambassador Sullivan hands over copy at Tab B. Mr. Phuong rereads aloud in Vietnamese.]

The next item is “Prisoners and Missing in Action of the Parties:” “It is understood between the U.S. and DRV that the phrase ‘of the parties’ in Article 8(a) and (b) of the Agreement covers all personnel, military or civilian, from any country associated or allied with any of the parties to the Agreement.” [Ambassador Sullivan hands over copy at Tab C.]

The papers on Cambodia and Laos are longer and they have been separated for the purpose of facilitating discussion and handling generally. Now in this case it would perhaps be simpler to just hand it over to save time, because they are lengthy papers, except for one small section on Cambodia. These are messages that have been passed back and forth. So if the Minister agrees, we will simply give you these papers to save time. [Ambassador Sullivan hands over copy of “Cambodia” paper at Tab D. Mr. Phuong translates aloud into Vietnamese.]

Very well. That paper on Cambodia represents messages exchanged by both sides on that subject.

Now the last one brief paper is the understanding we propose on Cambodia: “It is understood between the United States and the Democratic Republic of Vietnam . . .” [Ambassador Sullivan hands over copy at Tab E. Mr. Phuong translates into Vietnamese.]

The paper on Laos is somewhat longer and we propose simply to hand it over to you to save time. [Sullivan hands copy over, Tab F.]

Mr. Phuong: Let me translate. [He reads aloud in Vietnamese.]

Xuan Thuy: Other things?

Ambassador Porter: We have one more at this time. It is called “Unconditional Return of U.S. Prisoners.” It is quite brief: “The United States reaffirms the statement of the President . . .” [Ambassador Sullivan hands over copy, Tab G. Mr. Phuong translates.]

Xuan Thuy: Have you anything else, Mr. Ambassador?

Ambassador Porter: We have no additional items to cover unless you have some proposals or subjects in mind. We would propose discussions of these papers begin.

Xuan Thuy: I propose this. We have handed to you a number of understandings. Now there are still other understandings which we have not yet handed to you. Now let me hand them to you. Afterwards I will propose a little break so that the two sides may consider the understandings. You will remain here and I will go to the other room.

Ambassador Porter: Are these new papers or matters you have already mentioned to us?

Xuan Thuy: We have discussed them here but I have not handed you the paper.

Ambassador Porter: And then you propose a recess; and then perhaps we can begin a discussion on the items we have presented. Is this what the Minister has in mind?

Xuan Thuy: And after the discussion on these understandings if each side has anything else to present, then we will present them.

Ambassador Porter: All right. How long a recess would the Minister propose?

Xuan Thuy: Half an hour.

Ambassador Porter: Half an hour would be fine with us.

Xuan Thuy: [Goes over the papers with Mr. Thach.] We will hand you a proposed understanding as follows: "The U.S. side undertakes to use every means and its maximum influence . . ." [Mr. Thach hands over paper on Vietnamese Civilian Detainees, Tab H.]

The second one regarding the period for the withdrawal of U.S. civilian personnel, reading as follows: "The U.S. side undertakes to completely withdraw . . ." [Mr. Thach hands over paper on U.S. Civilain Technicians, Tab I.]

Now regarding the return of the prisoners of the PRG, reading as follows: "The U.S. side reaffirms the assurances made on September 27, 1972 . . ." [Mr. Thach hands over paper on "Massacres", Tab J.]

Now another understanding which regards the formation of the National Council of National Reconciliation and Concord: "The DRV and U.S. undertake to use their influence . . ." [Mr. Thach hands over Tab K.]

Another one regarding the contribution of the U.S. to the healing of the war wounds. Reading as follows: "On the basis of Article 21 of the Agreement . . ." [Mr. Thach hands over paper on reconstruction, at Tab L.]

So far we have such understandings.

Ambassador Porter: We will then recess as the Minister proposed.

[A break occurred from 11:08 to 11:56.]

Ambassador Porter: Would the Minister like to begin comment?

Xuan Thuy: Please, I give the floor to you first.

Ambassador Porter: Well, I propose that if the Minister is ready to comment on the papers we gave him, he might wish to do it in the order that we gave him, beginning with reconnaissance and proceeding to aircraft carriers and the others.

Xuan Thuy: I will make these comments. Regarding the reconnaissance activities I propose the following amendment to the text, for clarification only. I will read it again: "With respect to reconnaissance activities, the U.S. side confirms that with the coming into effect of the Agreement on Ending the War and Restoring Peace in Vietnam . . ." This part of the sentence is added. Then, "reconnaissance activities against the territory of the DRV will completely and indefinitely cease."

Ambassador Porter: Does the Minister have further comment on this particular paper?

Xuan Thuy: That is all. [The U.S. side confers.]

Ambassador Porter: With regard to the words "Agreement on Ending the War and Restoring Peace in Vietnam," there is no problem. Would the Minister care to give us his reason for the word "against?" We are not familiar with the background.

Xuan Thuy: The reason why I have proposed to change the "over" into "against" is to be in keeping with the wording of the message of the U.S. side addressed to the DRV side on behalf of the President of the United States on October 20, 1972. You used also the word "against" in paragraph 3(b).

Ambassador Porter: Is that the only reason?

Xuan Thuy: That is all.

Ambassador Porter: We can accept that. The phrase "will cease" is a fact. It is a cessation. Does the Minister insist on the word "completely"? To us it will cease.

Xuan Thuy: I would like to insist on it, to be in keeping with the terms of the Agreement on the hostilities ceasing "without limit of time."

Ambassador Porter: To us it is not an important change. If it is ceasing it stops and that is all it needs. If you wish we can accept this. In our opinion it does not add anything. In a spirit of good will. I don't want to bother about small things.

Xuan Thuy: We should change our working manner from that of Kleber Street.

Ambassador Porter: Surely. I am entirely willing.

Xuan Thuy: We should speed up our work here. We must make a great effort. We consider this particular understanding finished, agreed, “completely cease.” Shall we read it back?

Ambassador Porter: Yes, please.

[Xuan Thuy rereads as above.]

Ambassador Porter: I thought the word was “completely.” We did not hear “indefinitely.”

Mr. Thach: “Without limit of time.” [Laughter]

Xuan Thuy: It is your word.

Ambassador Porter: Well, the other thing is something which will require some examination. We can take, as we have indicated, the word “completely,” and that is a phrase which is without limit. But we would prefer to leave it at that, because it would make a much cleaner, much more complete thought. It will cease completely.

Xuan Thuy: You insisted, Ambassador Sullivan insisted, on the word “without limit of time.”

Ambassador Sullivan: On the ceasefire.

Xuan Thuy: It is in the framework of the ceasefire too. Article 2 of the Agreement. We only repeat the wording you had.

Ambassador Porter: We are making an agreement ending the war and restoring peace. If we have an understanding that activities against the territory of DRV will cease completely, we think that is sufficient coverage without going into further words. We can add, if we wanted to, many additional words—“indefinitely,” “without limit of time,” “forever and a day,”—but what would they add to the thought? It is redundant, repetitious. We have shown good will.

Xuan Thuy: When we are working on the agreement, you insist so long on the words “without limit of time.” Therefore I would like to put the same word in the understanding.

Ambassador Porter: But the understanding is not in the agreement. But it is complete. It adds nothing. It is completely clear.

Xuan Thuy: I think that we should not debate lengthily on this question because it is only a repetition of the word you have used in the agreement.

Ambassador Porter: But you quote the agreement when you want something and you don’t quote the agreement when you do not want something. I agree that we should not stay on this. Let’s move to the next one and leave this point undetermined.

Xuan Thuy: Agreed. Leave it undetermined.

Ambassador Porter: We have shown good will by making three of the changes you have requested.

Xuan Thuy: But these are only the words that have been used by your side and now you are refusing them.

Ambassador Porter: Not in the message.

Xuan Thuy: Let us come to the aircraft carriers. First, I propose to add, after the word "aircraft carriers," add the words "and other warships." Every place there is an aircraft carrier, I propose to add and change the words "and other warships."

Ambassador Porter: No, this is a discussion of aircraft carriers which is of special interest to you. We do not wish to add a general phrase which would cover all the warships of every kind.

Xuan Thuy: Then U.S. warships will keep threatening our country after the ceasefire.

Ambassador Porter: For this particular understanding we wish to discuss aircraft carriers. We are taking care of this kind. We do not wish to reintroduce other categories into this particular understanding. It is very clear that it is with respect to aircraft carriers.

Xuan Thuy: Then there would be another understanding on U.S. warships?

Ambassador Sullivan: I think we should understand, Mr. Minister, that the very fact that we have made any limitation on any of our ships is a major concession for a naval power like the U.S. As far as we are concerned, our naval vessels can go anywhere on the high seas except territorial waters.

We do not intend to create any precedent in any manner restricting the maneuver or the transit of our naval vessels anywhere in the world. This is a question that goes well beyond the issue of Vietnam.

Ambassador Porter: This will create worldwide problems for us.

Ambassador Sullivan: Now, as a special concession in the message which was sent in the name of our President on October 20, the U.S. did make a specific understanding with respect to aircraft carriers. We have neither authorization nor intention to go beyond that understanding. The essence of that understanding is in paragraph 3(c) in the message of October 20 which you replied to on October 21.

It is not our purpose at this table this morning to create new understandings but to record and transcribe understandings that were already reached, and that is what we intend to do.

Xuan Thuy: First, I have agreed with you in regard to the aircraft carriers but I have not said whether this understanding is adequate or not. Secondly, it is known to everyone that the war in Vietnam against North Vietnam started with the events of the Tonkin Gulf with the U.S. warships and not beginning with the U.S. carriers question. Therefore our people in North Vietnam will be impressed by the lacking of mentioning other U.S. warships.

Ambassador Sullivan: There are many countries in the world who have territorial waters and whose waters are not violated by U.S. war-

ships but near whose waters our vessels move. And that does not constitute a menace; it constitutes a normal operation of our navy.

Xuan Thuy: If you disagree to that, we leave it aside for the time being and consider the question undetermined.

Ambassador Sullivan: Do you accept the wording as it now stands on aircraft carriers?

Xuan Thuy: Leaving aside the question of other U.S. warships, the word "300 miles" you are using here—is it nautical miles?

Ambassador Sullivan: Nautical miles, yes, when we are talking of the sea.

Ambassador Porter: So you will get more than 300 miles. Nautical miles is correct. You will get 20% more!

Xuan Thuy: Now in your text you use "off the coast of North Vietnam." I would like to propose "Vietnam" and not "North Vietnam."

Ambassador Porter: This is not practical. North Vietnam is a sovereign entity, and there is another sovereign entity. We cannot accept this. It would make many approaches to a number of nearby states impossible.

Xuan Thuy: But I am afraid that the PRG will not agree to the word "North Vietnam" only.

Ambassador Porter: We are not accepting any limitation of transit of forces. We are accepting it on stationing of forces.

Xuan Thuy: Yes, but regarding stationing?

Ambassador Porter: This covers carriers and stationing and North Vietnam.

Xuan Thuy: So there are two words unsettled on this understanding. Let us move to another problem.

Now regarding the prisoners and the missing in action. Only one amendment to this understanding. After you said "all personnel, military and civilian between any country allied or associated with any of the parties," I would like to add after the word "civilian" the following: "military and civilian, from the Vietnamese parties, from the United States, and from any country associated or allied with any of the parties to the agreement." After the word "civilian" I would like to add "from the Vietnamese parties, from the U.S., and from any country associated or allied with any of the parties to the agreement." And I have also proposed to delete the word "associated" and use the word only "allied with," like written in the agreement. Because we have never used the word "associated" in the agreement.

Ambassador Sullivan: Basically this understanding was intended to cover a technical point that you and the other experts argued about last Sunday. It arose from the fact that you wished to use the phrase "of

the parties.” It is clear from the text of the agreement that Vietnamese civilians are not covered under either Article 8(a) or (b). Therefore adding the phrase that you have suggested would only confuse the issue further. All we were trying to clarify is that such personnel as Koreans, Australians, or even some journalists of other nationalities who were captured while associated with our troops would be released under (a) and (b). Therefore if you literally translate or assume “of the parties” it would mean literally that only those people who had American nationality or military men of Vietnamese nationality would be released. We think there are some French journalists, some Japanese journalists, who are in captivity. We don’t wish to try to clarify this point and only end up in greater confusion.

So it is really rather a small matter we are concerned about—it is not a question of principle or a question of issue we are concerned about. So if our experts at the translation and conforming session that is going on this morning accept the sentence “of the parties,” we just wish a clarification of what that means. We think the language we have used explains the issue most clearly. We think the additions you proposed would confuse it very severely.

Xuan Thuy: Your sentence is not clear regarding the Vietnamese civilian personnel. It is not clear. But the phrase I propose to use will be clear with regard to the Vietnamese, U.S., and from any other country allied with any of the parties of the agreement.

Ambassador Sullivan: It is clear from the text of the agreement that U.S. personnel and that Vietnamese military personnel are covered there by Article 8(a) and (b) because they are parties so are therefore covered by “of the parties.” All we are trying to embrace is those that are not “of the parties” and therefore are not clearly covered. [Both sides confer.]

Mr. Minister, we would be willing to propose an amendment to our own text which might improve it.

Xuan Thuy: Please.

Ambassador Sullivan: After the word “agreement” we would drop the word “covers” and say “also includes.” This means that the parties are clearly covered but this is in addition to the parties. [Vietnamese confer.] *C’est un grand acte de sabotage?*

Mr. Thach: I improve it.

Xuan Thuy: I propose: “It is understood by the U.S. and the DRV that the phrase ‘of the parties’ in Article 8(a) and 8(b) of the agreement covers all personnel, military or civilian, of the parties signatories to this agreement and any other country allied with any of the parties to the agreement.”

Mr. Thach: It is clear.

Xuan Thuy: We can drop “associated with any party of the agreement.” “It is understood between the U.S. and the DRV that the phrase ‘of the parties’ in Article 8(a) and 8(b) of the agreement covers all personnel, military and civilian, from all the parties signatories to this agreement and any other country.”

Ambassador Porter: “All personnel from any country.” What is the “other” for?

Xuan Thuy: If you want to keep “allied with any party to the agreement.”

Ambassador Porter: We could do that. It would simplify things. We could suggest that it covers all personnel “from any country.” Leave the rest out.

Mr. Thach: “And the parties signatories.”

Ambassador Sullivan: We don’t need that. “Of the parties” in Article 8(a) and (b) covers personnel from any country.

Ambassador Porter: Very nice and simple and clean, very clean.

Xuan Thuy: I propose to add “covers personnel of the parties to the agreement and of any country.”

Ambassador Porter: All right then.

Ambassador Sullivan: So let me read it again: “It is understood between the U.S. and the DRV that the phrase “of the parties” in Article 8(a) and (b) of the Agreement covers personnel of the parties and from any other country.”

Mr. Thach: Right.

Ambassador Sullivan: D’accord.

[Mr. Phuong rereads in Vietnamese.]

Mr. Thach: D’accord.

Ambassador Porter: So that takes care of that particular understanding.

Xuan Thuy: Now there remain four understandings you have handed to us.

Ambassador Porter: Yes.

Xuan Thuy: These are the understandings on Cambodia and on Laos and on the return of American prisoners. These four understandings mention the message of October 21 of the Prime Minister of the DRV in reply to the October 20 message addressed on behalf of the President of the United States—it has been adequately dealing with these four questions, and afterwards on October 22 the President of the U.S. responded to the Prime Minister of the DRV and the first sentence read as follows: “The President notes with appreciation the message from the Prime Minister of the DRV which satisfies all his points with respect to Laos and Cambodia as well as U.S. prisoners.”

Therefore we propose it is not necessary to raise again the four understandings you have just raised. It suffices to excerpt from the message of the Prime Minister to the DRV in reply to the President of the U.S., and after that add the first sentence of the message of the U.S. President. It will constitute an adequate understanding on these questions.

Mr. Thach: There is a high value to this understanding.

Xuan Thuy: Why do you wish to mention the President's message?

Ambassador Porter: Why do you not wish to quote the original message of the 20th of October?

Xuan Thuy: Because the reply of the Prime Minister of the DRV on October 21 has received a reply from the U.S. President saying that he was satisfied with the reply of the DRV regarding Laos, Cambodia and U.S. prisoners. Because these are the statements by the President of the U.S. and by the Prime Minister of the DRV; these statements have greater value than the understandings that we have here. Because if we make four other understandings then we shall have extra work to do.

Ambassador Porter: Don't we want a complete record? The complete record would be better than to have parts or to have two of the three parts.

Xuan Thuy: You can keep the documents of yours, but regarding our understanding with regard to Laos and Cambodia you can excerpt from the message of the Prime Minister of the DRV the paragraphs dealing with Laos and Cambodia. It is an adequate understanding we are giving you.

Ambassador Sullivan: The sentence which you quote from the President's letter of October 22 speaks of the message from the Prime Minister of the DRV and says that that message satisfies all his points, all the President's points. But unless you include the letter of October 20 you don't know what the President's points are. So if you wish to record an understanding you record both the letter of October 20 and the reply of October 21. Otherwise you don't know what it is the President is talking about.

Now we think that the questions of Laos and Cambodia are quite complete questions. And if we were going to try to negotiate here a new understanding on the whole matter it would take—what is the word you use—without limit of time. So by far the simplest way is to quote the two exchanges back and forth.

Xuan Thuy: That is no prohibition that the two sides keep the texts by ourselves that have been exchanged by the two parties. But now regarding the understandings regarding the four questions here, our Prime Minister has given a clear answer to these questions and the

President of the United States has expressed his satisfaction on the reply.

Ambassador Sullivan: But this is a normal matter in diplomatic intercourse. If we have the two documents, we have an understanding. We don't specify what the subject matter is and we have to have the subject matter.

Xuan Thuy: On your side you can keep anything you like, but from our part, as far as we are concerned, we only have the message of the Prime Minister answering to you. [Laughter]

Ambassador Porter: Yes, but you are excluding one important part of the record from your own record of the matter. It is difficult to understand why you do not wish to include the message of the 20th. It is such a natural part of the picture. It is like buying that picture with 1/3 of it out and saying the rest was pretty.

Xuan Thuy: What do we need here? You wanted clarification on four questions. And these four questions have been dealt with in the message of the Prime Minister of the DRV.

Ambassador Porter: Yes.

Xuan Thuy: And this has satisfied the U.S. President.

Ambassador Porter: Because there was a message on the 20th with his points.

Xuan Thuy: The President of the U.S. was satisfied with the reply given to him by the Prime Minister of the DRV on all his points.

Ambassador Sullivan: Now the President's note I can read you. Unless you know what the points are, you cannot say that he was satisfied. He did not say he was satisfied with your message; he said the message satisfied his points.

Ambassador Porter: Which points? —well, the points which he mentioned on the 20th.

Xuan Thuy: I have no objection to you to keep this in our record, the message of the President of the U.S.

Ambassador Sullivan: That is ridiculous. If we want to have a record of the understanding, we have to record both sides or there is no understanding.

Ambassador Porter: We must have the record complete. It exists. It is normal. It is an accepted practice in diplomacy to have a file that tells the whole story.

Xuan Thuy: We keep in our record all the messages you send to us, and you will in your record all the messages we send to you.

Ambassador Porter: No, we can't do this that way. If there is an understanding on this matter, there is no question of one party keeping part of the record and another party keeping part of the record. It is abnormal and it is unnecessary. Undesirable.

Xuan Thuy: So we shall, as an understanding, we will clip together the message of the U.S. President of October 20, the reply of the DRV Prime Minister of October 21, and the reply of the U.S. President on October 22. And no need to write it into a separate document.

Ambassador Porter: Do you propose a covering document? A covering résumé?

Xuan Thuy: We put together the three messages. We propose to put together the three messages of the U.S. on October 20, of the DRV on October 21 and of the U.S. President on October 22. And there is no need to sum up and write it into a new document.

Ambassador Porter: We will have to talk to you again about this. This is very strange. It is not a normal thing. Those documents contain reference to other subjects. What we are interested in would be normal in summarizing a covering document.

Ambassador Sullivan: For example, do you wish the record to contain what our President pointed out about the interview with Arnaud de Borchgrave of *Newsweek*? That does not seem to be a proper part of the understanding. That is contained in the President's letter of October 22. That is irrelevant to the understanding.

Xuan Thuy: Because you see the excerpts, the understanding you gave us, it is not an excerpt but there is some change in the wording of the message. Therefore we want to keep the message.

Ambassador Sullivan: There is no change; we excerpted from it.

Xuan Thuy: We can excerpt what we have told you previously.

Ambassador Sullivan: That is what we have done. We excerpted from our messages and from your messages.

Ambassador Porter: The relevant portions, not Mr. de Borchgrave's press conferences. This is why it is the better way.

Xuan Thuy: We shall reexamine this question. Now please give us your comments.

Ambassador Porter: There are two more: There is the paper on Cambodia, the mutual paper on Cambodia. Are you putting it all together? You will reexamine later in the light of what we have said here.

Xuan Thuy: Now we will comment later on all four, all four questions.

Ambassador Porter: What we want is a complete record but we don't want all the irrelevant matter.

We will have to talk about this one again. You are going to reconsider this question.

Xuan Thuy: Yes. But you should too.

Ambassador Porter: We are always prepared to think about it. We are glad you are going to reconsider.

You would now like us to comment on some of the things you have proposed?

Xuan Thuy: Please.

Ambassador Porter: On Vietnamese civilian detainees and the question of U.S. influence to secure their release, we have a proposal or in effect a development of your statement here. I think I will just turn it over to Mr. Phuong and you can perhaps translate it to save a little time. This is our comment on your paper, our reaction.

[Ambassador Sullivan hands over U.S. statement on Vietnamese civilian detainees, Tab M. Mr. Phuong translates aloud.]

Xuan Thuy: But the commitment, the engagement given by Mr. Kissinger, did not mention that the influence is affected by points 1 and 2.

Ambassador Porter: We are just stating the situation. And this is important enough to affect our ability and the degree to which our influence will be effective. It is simply a statement of fact as we see it on these matters.

The point of interest to you is that we will exert our maximum influence to secure the release of the maximum possible number. We are unilaterally pointing out these other considerations which will affect the situation which we encounter.

Xuan Thuy: Now let me read to you the statement made by Dr. Kissinger on October 17. I read it from the record: [reads] "Our intention regarding Article 8(c) is not that we are unwilling to release within three months but our intention is that before we sign the agreement we will let you know the certain number of the people who will be released as an amnesty, and afterwards we will use our maximum influence to settle the whole problem in a satisfactory way. That is to say, within the period of two months there will be a great number of people who would be released as mentioned in the agreement. As to the rest, we will use our maximum influence so that they may be released before three months. That is our intention that we propose to you regarding Article 8(c)."

Let me add the following. On October 19 the Prime Minister of the DRV sent the message to the U.S. accepting the proposal on Article 8 of the agreement, on the condition that there would be the commitment made by Mr. Kissinger on October 17.

So now you add the two new points; that is not keeping with the previous record.

Ambassador Sullivan: We also have the record of October 17 and the words which the Minister used in describing what Dr. Kissinger said. There are differences in our English language text from what the Minister read. But they are not serious differences in the intention of

what Mr. Kissinger said. And if you read the first paragraph of the paper we just handed you, you see that we state once again the essence of what Mr. Kissinger said on October 17. Does the Minister agree that the first paragraph is a faithful reflection of the October 17 statement?

Xuan Thuy: I read another excerpt from Dr. Kissinger: "If you like," he said, "we can reduce the period of three months into two months." What I am proposing is that we shall keep the statement made by Dr. Kissinger and not, therefore, the two points you raise that would affect the ability of the U.S.

Ambassador Sullivan: Let me say two things. First I would like to have an answer to the question I posed, whether the first paragraph reflects what Dr. Kissinger proposed.

Xuan Thuy: No, it is not completely reflective of this because in the genuine paragraph you have not said that all of them will be released and the period of their release will be how much time—how long?

Ambassador Sullivan: I think that one of the other factors is that a great deal of this discussion took place in the context of a suggestion made by Special Adviser Le Duc Tho that there could be some redeployment of forces in the northern part of South Vietnam and this could have an effect on the question.

Xuan Thuy: That is another question. You should not link these two questions.

Ambassador Sullivan: We did not link these questions. It was the Special Adviser Le Duc Tho who linked them.

Xuan Thuy: What the Special Adviser said is that there should be no distinction between American prisoners or Vietnamese prisoners—all of them should be released within two months. As to the first proposal, the original proposal, we made to you. But now the release of the prisoners changes in the agreement. But if you wanted to keep this question as unsettled yet, we should shift to another question.

Ambassador Sullivan: We don't ask that you make any understanding or agreement with us about redeploying either forces or demobilization. We are merely pointing out an objective reality, that our influence in Saigon will be measured and affected in the degree that these two questions happen. We will use a maximum influence as Dr. Kissinger said, but that influence will be more effective if these two questions were treated in the way we described them in the second paragraph.

Xuan Thuy: Now let me ask you this question. Do you keep the statements made by Dr. Kissinger made to me on October 17 or not? Or will you drop this statement and add new things to that?

Ambassador Porter: We reaffirm these statements. This is what it says here and that is our position. However, for the other matters, we

are not asking you to accept these mutually; we are describing to you factors which will affect our influence, we believe. We are saying this is our view of factors which in our honest judgment may affect our effort to use maximum influence. But we state here, yes, the answer to your question is affirmative.

Xuan Thuy: Let me say this. Dr. Kissinger wanted us to conclude the settlement today. We do want a rapid settlement, and it is not our intention to recreate here the atmosphere we had at Kleber Street. But if we do as you are doing now, I am afraid that we will not conclude it today and we don't know when we will conclude. I say this to mean that we should understand each other and speed up our work. Because if you raise questions, problems, for us to discuss here again, discussion will last forever.

Ambassador Porter: We are not raising problems, we are simply trying to state what may affect our ability to influence this matter. But I suggest we put this aside and move on to try to make progress where we can.

Xuan Thuy: But with the spirit you have, I am afraid we will move very slowly forward. Because if this morning we here don't finish, then this afternoon Le Duc Tho and Dr. Kissinger will have to accomplish this and we can't conclude this afternoon.

Ambassador Porter: We should nevertheless discuss the whole arrangement of matters. We now have some reaction to your counter-proposals, and we have started to respond to yours. I think we should go to the next one which you presented and perhaps discuss amongst ourselves the views you have explained. We are not trying to undermine or change the statements of Dr. Kissinger of October 17 in any way. But we are explaining some facts that exist in our view.

We have, in connection with your paper concerning the formation of the NCNRC, we have a similar statement of similar factors which might bring some difficulty. But we are simply stating that it exists. It does not affect our undertaking to exert our influence.

[Ambassador Sullivan hands over paper on Formation of NCNRC, Tab N. Mr. Phuong translates.]

Xuan Thuy: So you link also this question to other questions, too?

Ambassador Porter: It is not a linking. It is a calm discussion of factors which exist. It is not a linking. This is a new understanding that you are seeking now and that, like the others, will encounter problems in the question of using our influence because of other things which exist. We are not approving that situation. We should use our influence wherever it is needed, where our influence is needed.

[At this point, 12:35 p.m., Dr. Kissinger entered the room. Ambassador Porter briefly described where the discussion stood and explained

that the U.S. was not linking its assurances on the release of Vietnamese civilian detainees and the formation of the NCNRC to the redeployment and demobilization issues.]

Dr. Kissinger: These are just statements of fact. Shall we have lunch? Shall we eat?

Xuan Thuy: I have just said to Ambassador Porter that we should improve on the working method we had at Kleber. And I have secondly told him in that spirit that we should speed up our work to conclude our work today.

Dr. Kissinger: I agree.

Xuan Thuy: But we moved very slowly since this morning.

Ambassador Porter: Even so, we have done more than we have done at Kleber. Even if it is only a small amount this morning, we have done better than the Kleber in one year!

Xuan Thuy: But the reason why we have achieved this is because we come to this place and not at the Kleber place.

Ambassador Porter: I agree.

Xuan Thuy: And therefore we refused the proposal of Dr. Kissinger to meet at Kleber Street.

Dr. Kissinger: I made another proposal, to meet at the Residence, at Rue du Faubourg St. Honoré.

Xuan Thuy: Now, Ambassador Porter and myself have had a contest at Kleber Street. So we should make progress here.

Dr. Kissinger: I agree.

Ambassador Porter: The Minister now understands what I have been saying. There are factors which prevent us from achieving what we would like to achieve at Kleber, just like there are factors which may affect our maximum influence.

Dr. Kissinger: The Vietnamese side will consider it a great effort by the United States when I take over the discussions again.

Ambassador Porter: Perhaps you should come to Kleber with us!

Dr. Kissinger: I can't handle ladies as well as the Minister can.

Ambassador Porter: Without the Minister's help at Kleber we would be helpless. [Laughter]

Dr. Kissinger: I have arranged lunch in two separate places but any of our Vietnamese colleagues are more than welcome to join us. It is just a chance to talk among yourselves.

Xuan Thuy: Shall we eat together?

Dr. Kissinger: Let's eat together.

[Lunch was then served to the whole group at the meeting table, beginning at 1:42. Following lunch, the DRV side, then the U.S. side, left by motorcade for the afternoon session with Le Duc Tho at Gif.]

40. Memorandum of Conversation¹

Paris, December 12, 1972, 3:07–7:35 p.m.

PARTICIPANTS

Le Duc Tho, Special Adviser to DRV Delegation to the Paris Conference on Vietnam
 Xuan Thuy, Minister, Chief DRV Delegate to Paris Conference on Vietnam
 Nguyen Co Thach, Vice Minister for Foreign Affairs
 Phan Hien, Delegation Member
 Luu Van Loi, Delegation Member
 Trinh Ngoc Thai, Delegation Member
 Tran Quang Co, Delegation Member
 Pham The Dong, Notetaker
 Nguyen Dinh Phuong, Interpreter

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 865, For the President's Files (Winston Lord)—China Trip/Vietnam Negotiations, Camp David Memcons, December 1972 [1 of 3]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at 108 Avenue du Général Leclerc in Gif-sur-Yvette. All brackets are in the original. The tabs are attached but not printed.

It is clear from message traffic before the meeting that the North Vietnamese negotiators in Paris and the Politburo in Hanoi differed over how to proceed. A day or two before this meeting, Tho and Thuy informed Hanoi that if they presented Hanoi's rigid approach to a draft on the demilitarized zone (DMZ) as instructed, the U.S. negotiators would reject it. In consequence, they continued, "it is possible that the talks may be suspended for a period of time and the war will continue. Even though they are not capable of protracting the war for an extended period, they will make massive concentrated attacks for a time and then request resumption of the talks. If we refuse to meet with them the war will continue and the U.S. will place the blame on us. If we announce the suspension of talks and the only remaining issue is the question of the demilitarized zone, it will be hard for us to explain our position. The public may mistakenly think that we do not want to respect the demilitarized zone and that we want to continue sending troops down into the South. If we agree to meet with them, we will be under pressure and if we simply deal with the issue of the demilitarized zone using the Politburo's formula it will be very difficult for us to achieve acceptance of this formula, and we will also suffer additional losses in North Vietnam, losses that will have at least some effect on the situation in South Vietnam."

Tho and Thuy therefore recommended that Hanoi consider settling on the agreement as then negotiated: "We are not under any time pressure, but we need to recognize our opportunity. Right now the U.S. needs a settlement, but if we leave things too long we will miss this opportunity and then our pressure on them will have little effect, because everything has limits."

Hanoi refused to allow a more flexible response and directed Tho and Thuy to maintain the previous hard-line offer which Kissinger, as the negotiators expected, quickly rejected. (Luu and Nguyen, *Le Duc Tho-Kissinger Negotiations in Paris* [*Các Cuộc Thương Lượng Le Duc Tho-Kissinger Tại Paris*], pp. 581–582; Vietnamese edition)

Kissinger provided a narrative of the meeting for Haig and Nixon in Washington and then an interpretation of the events vis-à-vis the future. In a message to Haig, he wrote:

"Hanoi has decided to play for time, either because of the public split between us and Saigon; or because they have a pipeline into the South Vietnamese and know about our exchanges; or because their leadership is divided and they are still making up their minds on whether to conclude the agreement. Their consistent pattern is to give us just

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
 Ambassador William Sullivan, Deputy Assistant Secretary of State
 Ambassador William Porter, Chief of US Delegation to Paris Conference on
 Vietnam
 Winston Lord, NSC Staff
 John D. Negroponte, NSC Staff
 David A. Engel, NSC Staff, Interpreter
 Peter W. Rodman, NSC Staff
 Miss Irene G. Derus, Notetaker

enough each day to keep us going but nothing decisive which could conclude an agreement. On the other hand, they wish to insure that we have no solid pretext for taking tough actions. They keep matters low key to prevent a resumption of bombing. They could have settled in three hours any time these past few days if they wanted to, but they have deliberately avoided this. For every one of their semi-concessions they introduce a counter-demand. Thus their sentence on the DMZ, which in itself is unacceptable, was counterbalanced today by the withdrawal of their proposal for the signing procedure made yesterday. Moreover, the DMZ sentence, as you recognize, takes away the significance of the respect for the DMZ. I tried in innumerable ways to get the word 'civil' included but they totally refused this. Thus what they offered after supposedly more than two days of communication with Hanoi was to move a still objectionable sentence further down in the text, and even here they link all the sentences by semicolons in the same paragraph."

Thus, he concluded: "We now find ourselves in an increasingly uncomfortable position. We have no leverage on Hanoi or Saigon, and we are becoming prisoners of both sides' internecine conflicts. Our task clearly is to get some leverage on both of them." To that end, he made the following recommendations:

"—As soon as Tho has left Paris we should reseed the mines, as heavily as possible including of course north of the 20th parallel. This is desirable in any event because the longer the mines are in DRV ports the less likely they are to violate the agreement if it is finally concluded.

"—We should take off all restrictions on bombing south of the 20th parallel and step up our attacks, particularly by B-52s.

"—We should resume reconnaissance activities north of the 20th parallel immediately which would serve as a warning to Hanoi.

"—We should plan a two or three day strike including B-52's north of the 20th parallel for early next week. Please get plans. The power plants seem attractive.

"—I would like you [Haig] to look at the bombing situation in southern Laos. Yesterday's noon report mentioned the fact that infiltration was much heavier because the bombing in that area had fallen off.

"It is essential that the military perform effectively for once in the above tasks. I would not resume daily bombing north of the 20th parallel at this point until we can discuss it."

Giving vent to his frustration with the North and South Vietnamese, Kissinger concluded his analysis with these words:

"The North Vietnamese strategy seems to me to be as follows: they have reduced the issues to a point where a settlement can be reached with one exchange of telegrams. I do not think they will send this telegram, however, in the absence of strong pressures. These pressures in turn cannot really be applied now because of Thieu. If Thieu had adopted a common position with us we would have an excellent ground on which to stand now with North Vietnam's insistence on maintaining troops in the South and total refusal to recognize any aspect of sovereignty for South Vietnam. What makes it intolerable is the inability to defend an agreement that Thieu attacks. Moreover his short-sighted device for preventing a settlement has deprived us of the pressure which could bring us a settlement. His offer of prolonged Christmas truce almost guarantees that

(Footnote continues on next page)

[The meeting began at 3:07 p.m. with the usual greeting and light conversation as follows:]

Dr. Kissinger: . . . I must go home this evening.

Le Duc Tho: I, too, am going home. On Thursday.

Dr. Kissinger: On Thursday. Can I give you a ride on my airplane? We would make quite a sensation at the airport if we left together. And you could enforce your schedule.

Le Duc Tho: Let me speak now, Mr. Special Adviser.

Dr. Kissinger: Please.

Le Duc Tho: Today we are facing two very great problems: First the question of the DMZ, second the question of signing of the agreement. We have made very great effort aimed at concluding the problem, settling the problem. But if we settle this problem, then we will have to ask from you something for another problem. This problem does not appear in the agreement.

Dr. Kissinger: Which problem?

Le Duc Tho: The question of signing of the agreement. And my proposal yesterday becomes now obsolete.

I have just received instructions from my government, and I meet your requirement on the DMZ as follows: "South and North Vietnam shall respect the demilitarized zone on either side of the Provisional Military Demarcation Line; South and North Vietnam shall promptly start negotiations toward the reestablishment of normal relations in various fields. Among the questions to be negotiated are the modalities of crossing the Provisional Military Demarcation Line." [He hands over copy at Tab A.]

Dr. Kissinger: "Civil?" Excuse me.

Le Duc Tho: "The modalities of movement across the Provisional Military Demarcation Line." This is what you proposed the other day. So I have responded to your requirement regarding the DMZ. In responding to you on this subject, we have responded to an important concern of yours and concern of the Saigon Administration, too. So you should respond to our requirement and have the agreement signed by the two parties and then by the four parties. If the four parties sign the agreement, this will reflect the reality of the Paris Conference over

Hanoi will wait on sending the telegram until the truce breaks down or Congress is heard from. This is why the visit with Thieu is now essential and I know no one else than Agnew who can possibly do it. The present course will guarantee that Congress will cut off the funds and that everything we have striven four years to avoid will be imposed on us. If this is to happen we are better off knowing it early on than to die the death of a thousand cuts." (*Foreign Relations, 1969–1976*, vol. IX, Vietnam, October 1972–January 1973, Document 163)

the past four years. So since now we are ending the war, if the two parties will sign the agreement and the four parties will sign the agreement, too, they will create a close relationship among the parties in implementing the agreement. We have taken into account of your concern with regard to the Saigon Administration; you should also take into account of our concern with regard to the PRG.

This is the instructions I have received from my government and I would like to convey them to you.

If we can conclude the negotiations today it is the best; but otherwise I am not in a position, of myself, to settle the question. If we don't conclude our work today then I have to return to Hanoi and to exchange with our people in Hanoi, and then I will exchange with you through messages, if we don't settle today. There is no other way, because I am not in authority to solve the problem. Because if we exchange our views with my government through messages it is very difficult and it takes a long distance, too. This is a reality. It is no other way. This is the message I have received from my government. We have informed you.

Dr. Kissinger: May I ask—are you finished, Mr. Special Adviser?

Le Duc Tho: I have finished.

Dr. Kissinger: Did the Minister report to you that Ambassador Sullivan is of the view that you have the biggest buffalo herd in North Vietnam? [Laughter]

Le Duc Tho: Now you have a great number of horses yourself! [Laughter] Both of us; one have buffalo and one have horses.

Dr. Kissinger: Of almost capitalistic proportions, the Special Adviser's herd of buffalo.

Le Duc Tho: Naturally I should tell you that it is a great effort of ours, because the question of the DMZ is an important question for us. We can see that in the agreement this question is the greatest one newly added to the agreement. So we have taken into account your views.

Dr. Kissinger: Before—May I ask the Special Adviser what does he mean by four-party signing of a two-party document?

Le Duc Tho: What I mean is that one document is signed by the two parties; another copy of the document is signed by the four Foreign Ministers at the same time. The two copies are similar to one another.

Dr. Kissinger: Identical.

Le Duc Tho: Identical. In October you tell me that the four parties will sign and the two parties will sign the identical documents.

Dr. Kissinger: I don't remember that I ever said the four parties will sign.

Le Duc Tho: You told me in October but it was always suggestions. I think that this question does not create any difficulties for you.

Dr. Kissinger: Only impossibilities!

Le Duc Tho: Because everything responded to you remain in the agreement, and with regard to the Saigon people you are the . . .

Dr. Kissinger: Impossible. We will get to that in a minute. I first want to—see, this is what makes negotiating with the Special Adviser so interesting. We think we settle one issue; we finally understand it; then the next morning he declares it obsolete and then comes another proposal. That way we don't get overconfident.

Le Duc Tho: But as I told you, my personal views become obsolete because of the instructions I have received from my government. If I solve the question of the DMZ to you I have agreed to you on my own, but because of my government's stand we have one day break to receive instructions. You know I am in a very difficult position.

Dr. Kissinger: Well, we are both in a very difficult position. The Special Adviser has also learned—in his previous incarnations he always had full powers, but he is learning that by throwing his government at me he can withdraw the thing three times, and then he lets his government withdraw it three times, so that he can sell it 6 times instead of the usual three.

Le Duc Tho: Let me explain this to you. I was fully authorized, or I have full authority, to settle with you on the basis of the instructions of my government, but on the basis that we have continuously a number of days of discussion and then here I exchange views with Minister Xuan Thuy and I will settle the problem with you. But precisely because I had full authority that time, this time I no longer have full authority, and there are questions I have to ask for instructions. There are problems on which I myself have agreed with you but my government disagreed to that, and I had to exchange views to and fro with my government.

Dr. Kissinger: I know the experience.

Le Duc Tho: This is a fact, Mr. Special Adviser. You have the same experience?

Dr. Kissinger: Oh, yes, I have the same experience. But now on the four-party signing, they are to sign with their titles the same document?

Le Duc Tho: Right.

Dr. Kissinger: Well, then it is almost a four-party document.

Le Duc Tho: This is what I am proposing.

Dr. Kissinger: Yes, but this is what I have told you for weeks presents impossible difficulty for us.

Le Duc Tho: You are always presenting difficulties. When the question of the DMZ arise, you said that this question is most difficult

for you, and then when we have solved this difficulty you say there is another difficulty.

Dr. Kissinger: We have not solved that difficulty. That isn't settled yet. I am just trying to get the signing straight. Yesterday the Special Adviser made a proposal on the signing which I think would work.

Le Duc Tho: But my government has just requested that the agreement be signed by two parties and by the four parties. I have no other way to solve the problem. I have to follow the instructions.

Dr. Kissinger: Well, I am afraid this will have to be something on which we exchange messages, because I am in no position to agree with this.

Le Duc Tho: Agreed.

Dr. Kissinger: When is Mr. Special Adviser going home?

Le Duc Tho: If we conclude today then it is possible that I will return home the day after tomorrow.

Dr. Kissinger: And if we don't conclude today?

Le Duc Tho: If you agree to that, then we will conclude today and I have to report. If you don't agree to that, we don't conclude to that and I have to leave for home. It is because I do not have authority to solve this question on my own.

Dr. Kissinger: So either way you leave on Thursday?

Le Duc Tho: Thursday. Yes, Thursday.

Dr. Kissinger: Now let me say a word.

Le Duc Tho: It will take me four or five days to reach Hanoi. I am not so close as you are. Then I will meet with my government and one or two days later I will reply to you, because this is the instruction from my government I received. If we can't solve that way, then I have to return home to exchange views with my government. Therefore, yesterday I told you settlement or no settlement I have to go home, but it is better if we can conclude and then I can go home, because otherwise it will take some time to send your message.

Dr. Kissinger: Let me turn to the issue of the DMZ. Now the text which we gave you on Saturday as a possible compromise text is a different text from the one you accepted. So the only text that has even been considered in Washington has been the possible compromise text which I gave you on Saturday. That is one on which I could conceivably send a message this afternoon to Washington. But that is not the text you are giving me.

Le Duc Tho: Your previous proposal was changed afterward by you too. Your previous proposal is like this sentence.

Dr. Kissinger: But that one was rejected. I changed it under instructions.

Le Duc Tho: For the time being, sir, I have no authority to change the sentence I have given you.

Dr. Kissinger: You see, this one, I think I would have to send a message, but I could get probably an answer before the end of the afternoon. And particularly our concern is with civil movement.

Le Duc Tho: We maintain the sentence that you had given us previously.

Dr. Kissinger: Mr. Special Adviser, this is like our saying I maintain the sentence you have given us previously. The sentence I gave you on Saturday was the . . .

Le Duc Tho: [Interrupts] Naturally you have the right to change your sentence. But accepted or not, it belongs to me. I do not complain that you have changed your sentence.

Dr. Kissinger: The point, Mr. Special Adviser, is quite different. The only sentence you had before you legitimately was the sentence I gave you Saturday. You cannot pick any proposal I may have made over the last six months and say "I now accept this proposal."

Le Duc Tho: I agree to what you had said previously. But now it is our stand. You can propose something else but we maintain our stand.

Dr. Kissinger: The only thing—you can propose anything you like. You have the right to do that, but the only thing you cannot do is to say you have accepted our proposal when we have withdrawn it and made another one.

Le Duc Tho: We can now say that this is our proposal.

Dr. Kissinger: That is all right. That I understand. Now to that let me say the following. What concerns us—I have a few obsessions, as you know: the Ho Chi Minh Trail, the DMZ, Madame Binh. I don't want to wake up one morning and read in the newspaper that the Minister, whose good relationship with Madame Binh has been established at Avenue Kleber, had made an agreement with her that the 325th Division can move across the DMZ in the pursuit of carrying out modalities of movement across the DMZ.

Le Duc Tho: Let us discuss on this question. The question you are raising is another one.

Dr. Kissinger: This is why I like the word "civil movement" or "movement of people".

Le Duc Tho: You see here is a sentence that the two South Vietnamese parties will meet and will discuss and consult on the normal relations on various fields, and among the questions to be discussed there are the questions of the modalities for movement across the DMZ. I read it to you.

Dr. Kissinger: But the thing that haunts me, Mr. Special Adviser . . . Go ahead, read it to me.

Le Duc Tho: "South and North Vietnam shall promptly start negotiations toward the reestablishment of normal relations in various fields. Among the questions to be negotiated are the modalities of movement across the Provisional Military Demarcation Line."

Dr. Kissinger: But movement by who?

Le Duc Tho: Let me finish.

Dr. Kissinger: Buffalos can move unimpeded. [Laughter]

Le Duc Tho: Except a steel buffalo! [Laughter]

Dr. Kissinger: I have to tell the Special Adviser something that shows how cautious the State Department is. We write an annual report for the President on foreign policy and there is always one section in that report about general humane international problems. So we wrote in there, "Animals do not recognize national boundaries". So we sent it to the State Department for comment. And the State Department operates on the principle that you shouldn't make unnecessary enemies, so they edited this sentence and they said "Some animals do not recognize national boundaries."

Le Duc Tho: But the State Department lives on words, words and terms.

Dr. Kissinger: Well, our concern—go ahead, I interrupted you. Were you finished, Mr. Special Adviser?

Le Duc Tho: Because I have said that some of the questions to be negotiated by the two parties are the modalities for movement across the Provisional Military Demarcation Line. Therefore, on the agenda of the subjects to be discussed by the two parties, North and South Vietnam, probably the question of military movement never arise.

Dr. Kissinger: But looking at the record, it is at least conceivable, particularly since your demobilized soldiers can go anywhere they want to—they may all want to go where it is warm. Bringing their tanks with them. [Tho laughs] Because they are so used to them.

Le Duc Tho: You are recalling historical facts but we have also historical facts to recall. Article 7 of the Agreement stipulated that neither party shall accept the introduction of troops, armaments, weapons and war materials.

Dr. Kissinger: Then why do you object adding the word "civil" before "movement"? Because if you accept "civil" I can accept the sentence.

Le Duc Tho: We maintain the sentence. No change.

Dr. Kissinger: I like my persuasive argument. My arguments are very persuasive: the Special Adviser listens and then he says he maintains his sentence.

Le Duc Tho: Because if you put "civil" it does not mean people, the movement of the people, but there are also boats and so on. Naturally

I don't mean here troops to move across but I mean persons and human being, boats and so forth.

Dr. Kissinger: Are you making a distinction between persons and human beings? Then use "non-military movement"; that excludes boats. If you say "non-military" you can take boats.

Le Duc Tho: This sentence does not mean that the movement of troops, armaments, war materials and ammunition are permitted, because Article 7 of the Agreement prohibits such movement already.

Dr. Kissinger: Well, then why don't you say, "except that prohibited by Article 7"?

Le Duc Tho: Your formulation makes it complicated. The modalities will be discussed by the two parties, North and South Vietnam.

Dr. Kissinger: Who are the two parties—the Minister and Madam Binh?

Le Duc Tho: The two zones, North and South Vietnam.

Dr. Kissinger: But who participates in the meeting?

Le Duc Tho: The two zones will participate in the meeting. In every chapter they say North and South Vietnam, not this chapter.

Mr. Negroponte [to Mr. Kissinger]: He said three parties.

Dr. Kissinger: Well, I think we will have to communicate with each other on this subject, and also on the signing.

Well then, how shall we proceed on the remainder? Should we get as much done as possible on other matters?

Le Duc Tho: There are questions in the text of the agreement that the two parties still disagree.

Dr. Kissinger: Yes.

Le Duc Tho: And there are also some understandings that have not been agreed to between Minister Xuan Thuy and Ambassador Sullivan.

Dr. Kissinger: We yielded on every point this morning. In fact we were thinking of having a meeting without you this afternoon, Mr. Special Adviser. Yes, let us do the text first and then let us discuss the unilateral statements on which there is no agreement yet.

[Mr. Loi changes places with Mr. Hien at Tho's left.]

You have a new saboteur here now.

Xuan Thuy: He has participated in the discussions of these points.

Le Duc Tho: But you are the commander of the saboteurs.

Dr. Kissinger: According to my saboteurs we have no problems until we come to Article 8(c). Do we agree on that? We now have a title that is as long as paragraph (a). [Tho laughs] Only your saboteur and mine will understand it.

[Pointing to Mr. Thach who is coaching Mr. Loi]: No, no, Mr. Vice Minister. No, no, there are two others for the text. That is their turn. The expert saboteur for the substance you are.

All right. The title then we agree on, is that correct? Let me just read it—"The Return of Captured Military Personnel and Foreign Civilians and Captured and Detained Vietnamese Civilian Personnel."

Le Duc Tho: Yes.

Mr. Kissinger: And we agree on that and on 8(a). Just so that we are sure we understand each other, you wanted to say "the return of captured military personnel and foreign civilians of the parties," and we agree to that, but we want to make sure we have a mutual understanding that "the parties" include everyone associated with the parties.

Le Duc Tho: We agree.

Dr. Kissinger: All right then. We have "of the parties" in 8(b). That is all agreed. You wanted to say "the question of the return of civilian military personnel captured and detained." You wanted "of the return of".

Le Duc Tho: The two parties will discuss and settle the problem and after the settlement they will return.

Dr. Kissinger: That is right. Yes, I accept. So the sentence will now read "the question of the return of". The only thing that is required is to put the word "civil" before "movement" in Article 15 of the DMZ. [Tho laughs] That is a reasonable exchange. You get three words for one. [Laughter]

Le Duc Tho: You are trading horses.

Dr. Kissinger: This is very difficult with the Special Adviser.

Well, your drafters tried to sneak something into the text which we had not accepted, namely "two" rather than "three".

Le Duc Tho: The reason I propose two months is that when reading the chapter our people will see that for other categories of prisoners they will be released within two months, and for Vietnamese they will be released only within three months. Therefore it is discrimination between the military personnel and the Vietnamese civilian personnel. This discrepancy will make them think. Moreover this question will be discussed and settled by the two South Vietnamese parties. Moreover this is a humanitarian question. If they will [not] be returned and they will be detained for one month or more, this will create unnecessary suffering for these people.

Dr. Kissinger: Yes, but we had already agreed on this, and that was considered a very essential element in the agreement, for two reasons: One, to separate the issue of South Vietnamese civilian detainees from the issue of American prisoners, as I explained to you at the time. And secondly, to permit the necessary time for a process which is inevitably related to other parts of the agreement, in practice. This was already agreed to in October, and I think the Special Adviser withdrew his objections to this paragraph for at least five different concessions this week. [Tho laughs]

Le Duc Tho: You refer to the linking of American prisoners with Vietnamese civilian detainees. I have told you there is no such link because the chapter is divided into different paragraphs (a), (b) and (c).

Dr. Kissinger: Does Madame Binh know this?

Le Duc Tho: And as a matter of fact I have agreed with you on this question. As a matter of fact I have agreed with you on that question, but the reason why I propose two months now is because this is a question we are having in our heart. We are attached to it.

Dr. Kissinger: Well, I am in no position to accept it.

Le Duc Tho: Let us go to another page of the agreement.

Dr. Kissinger: All right. What is your next problem? Oh, Article 12(b). Yes, I got it. We propose simply to say "the implementation of this agreement," because all the obligations are stated in the agreement.

[At this point, Mr. Engel tells Dr. Kissinger that the group is being photographed through the window.]

Somebody tells me that somebody is filming through the window. It is all right with me, but I want the Special Adviser to brush his hair. [Mr. Thach gets up to close the curtain.] I saw the microphone in this light was becoming visible. [Pointing to the recorder]: This is for Madame Binh but there is one for the French Communist Party. Now we have still not settled the translation of "promote". I like the word "khuyen khich". I think it catches the meaning exactly. I have studied it very carefully.

Le Duc Tho: You like the word "khuyen khich" but I like the word "don doc". And in our draft of October 8 we use this word "don doc". There is nothing to be worried about this word because all operation is by consultation and unanimity. [Laughter]

Dr. Kissinger: All the North Vietnamese people like it.

Le Duc Tho: You see the task of this Council has been greatly reduced by your proposal. If now you wanted to deprive this paragraph of the word "don doc", it is tantamount to the dissolution of the Council and let the Council sit idle.

Dr. Kissinger: "Khuyen khich" gives it plenty to do on the principle of unanimity. It can encourage. And you gave us the English text on October 8, you didn't hand me a Vietnamese text, and the English text says "promote".

Le Duc Tho: We, in our Vietnamese text, we use the word "don doc".

Dr. Kissinger: Yes, but that was a secret from us. You can say you could give us an English text of one thing and then say it's the translation of a famous Vietnamese poem and then we are obliged to accept your Vietnamese text.

Le Duc Tho: Regarding this chapter we can say that we have made the greatest efforts to meet your requirements. So we should have this Vietnamese words. We have them to our people.

Dr. Kissinger: We can try “khuyen doc”.

Le Duc Tho: No meaning at all!

Dr. Kissinger: It shows good will. How about “don khich”? 50% for each. Well, let us reserve this now. As for the tasks, its task is the “implementation of this agreement”.

Le Duc Tho: “And the attached protocols,” because the protocols will be signed by the parties too.

Dr. Kissinger: So far we haven’t even got the agreement signed by any parties.

Le Duc Tho: We put it in advance then, and after, when the protocol is agreed to, it will be signed.

Dr. Kissinger: We haven’t yet had the privilege of reading your protocols. Will we see them today?

Le Duc Tho: I will give you later—soon.

Dr. Kissinger: Yes, “free lunch tomorrow”. [Laughter] We took out of this sentence—it is a classic example of the Special Adviser’s method of giving with one hand and taking back with the other—we took out of this sentence on the duties of the Council “the maintenance of the ceasefire”. Then the Special Adviser puts back in the protocols, which deals with the ceasefire, so we are right back to where we started. So there would be no point whatever in keeping these.

Le Duc Tho: We think that the implementation of the agreement in itself means to maintain the ceasefire and the preservation of peace. Therefore we dropped these two sentences because the fact of implementing the agreement means to maintain. This is a fact. We would like to add “the attached protocols”, to make it clearer only, and as a matter of fact the parties will implement the agreement and the protocols and the parties will sign this document.

Dr. Kissinger: The Special Adviser is too optimistic.

Le Duc Tho: So you are pessimistic now?

Dr. Kissinger: At this moment we don’t have an agreement.

Le Duc Tho: But although we have not reached an agreement, are you pessimist?

Dr. Kissinger: I am becoming somewhat more pessimistic, yes. When I came here on November 20 I was certain we would have the agreement signed by today. I thought it would be signed December 10.

Le Duc Tho: But it is your own thinking because you have raised so many problems. How could we solve all of them in two days? But if we had kept to the old agreement then everything would have been done by now and long since.

Dr. Kissinger: Yes, but the old agreement—we have explained that problem so often, and pretty soon we will be forced to do it publicly if we keep getting attacked.

Le Duc Tho: You claim that we have been prolonging the negotiations and prolonging the agreement, but it is not true. Then I have to reply to you.

Dr. Kissinger: Well, what in fact have we settled here now? We have settled Article 8(c). No, we haven't settled that yet. We have added the word "the return of". Let us come back to this. This morning we agreed on the word "their military effectives".

Le Duc Tho: I agree.

Dr. Kissinger: All right, that is agreed. And then in the last sentence—it is not the biggest question of which history informs us—we said "The two South Vietnamese parties will do their utmost to accomplish the foregoing steps" and then I look back and there are no steps, so I want to say "the two South Vietnamese parties will . . . accomplish this". It has no profound significance. What steps? I don't care. I will leave "the following steps". As a sign of good will.

Le Duc Tho: This makes no difference for me. I can show good will to you.

Dr. Kissinger: Well, nobody's going to beat this buffalo. Well then in English it's better "to accomplish this".

Le Duc Tho: No problem.

Dr. Kissinger: If the Special Adviser can't find a double meaning in it, then it can't have it.

Article 14. [To Mr. Engel]: What is the trouble here?

Well, the question here is that we want to say what the obligation of South Vietnam is, and in English this only makes sense if it is expressed in the future. [Both sides confer.]

Ambassador Porter has requested to be transferred back to Avenue Kleber. [Laughter] Okay. Well, I agree. We will keep "will" in English and you will have your translation. We will give you three "wills" for the word "civil", and you accept it?

Le Duc Tho: It is an outstanding question.

Dr. Kissinger: The Special Adviser meant "civil" is an outstanding question?

Le Duc Tho: Yes, an outstanding question.

Dr. Kissinger: I thought maybe you had received your instructions.

Le Duc Tho: We have shown a great deal of good will but you have not settled.

Ambassador Sullivan: We have shown "will" and not good will!

Le Duc Tho: Because Ambassador Sullivan always creates new words.

Dr. Kissinger: It is that 325th Division.

Article 16. No problem.

Article 15. Now I remember that the Special Adviser at least six times sold me the proposition that the PRG should be mentioned only in the Preamble and not in the text and we had agreed to that. That was agreed upon. The only reason it stayed in Chapter VI was . . .

Le Duc Tho: I agree to delete.

Dr. Kissinger: Thank you. After only 60 seconds of struggle. [Tho laughs] Good, I appreciate it. Now you want the Four-Party Commission dissolved in 60 days. Our only concern is the problem of missing in action.

Le Duc Tho: You see, the Four-Party Joint Military Commission will be performing important tasks and among these tasks the task of finding out information about the missing in action, this is only small one as compared to the other tasks. Therefore after 60 days all the other tasks have been fulfilled. It should be dissolved. It cannot be needed because of the question of persons missing in action, because we can find out another way of finding out these people missing in action. Because on the pretext of people missing in action you can keep this Joint Commission 50 years.

Dr. Kissinger: If we can put something in the protocol that takes care of this problem we will agree to 60 days. We have no desire to prolong the Four-Party Commission and I am sure we can find a satisfactory solution to this. It is not a question of principle.

Le Duc Tho: Agreed. So we can put in this paragraph that "the Four-Party Joint Commission will end its activities within 60 days."

Dr. Kissinger: I will accept this now, with the understanding that we will work out an agreeable language in the protocol for the missing in action. [Tho nods yes.] We have no interest in prolonging it except for the missing in action.

Now, we settled (a) and (b).

Now earlier, Mr. Special Adviser, under 16(a) you wanted the civilian detainees under the Four-Power Commission but they are also under the Two-Power Joint Commission, and it doesn't make any sense to have them under the Four-Power Commission because it is between the two South Vietnamese parties.

Le Duc Tho: The reason why we have put 8(c) in this sentence is because in the Four-Party Joint Commission there is the participation of the two South Vietnamese parties.

Dr. Kissinger: But it is also in the Two-Party Joint Commission. This is where it should be. The problems involving the two South Vietnamese parties alone are only in the Two-Party Commission. I mean, the distinction between the Two-Party and the Four-Party Com-

mission is that the Four-Party Commission deals with those problems that concerns the four parties and the Two-Party Commission deals with those problems that concern the two parties. And the result of your proposal is to get us involved in a two-party matter.

Le Duc Tho: It is logical to put in the two Commissions, the Four-Party Joint Commission and the Two-Party Joint Commission, because in this Two-Party Joint Commission there are both the two South Vietnamese parties.

Dr. Kissinger: Well, then everything should be in the Four-Party Joint Commission. The distinction between the Two-Party and the Four-Party is that those issues in which the US and DRV are also involved are the issues that are in the Four-Party Commission.

Le Duc Tho: I agree to you then.

Dr. Kissinger: I knew you understood English. Ever since you read Harriman's book!

So we will refer to 8(a) and (b) here, and 8(c) under the Two-Party. All right.

Article 17. We go back to our original understanding and just say "The two South Vietnamese parties" without naming them. It is the same as Article 16. It is the same problem as Article 16. We were in great shape until your assistants got involved. Maybe you and I and an interpreter should go into a separate room. [They confer.]

Le Duc Tho: I think that we would like to keep the two South Vietnamese parties, two names of the governments here, in this place.

Dr. Kissinger: Well, it doesn't make any difference.

Le Duc Tho: This only place.

Dr. Kissinger: But to have them in the only place makes the whole issue then ridiculous that we have been talking about all week. For two weeks we have been discussing that they should be mentioned only in the Preamble.

Le Duc Tho: We will return to this question later.

Dr. Kissinger: If they are mentioned once, then everything we have agreed to is senseless.

Le Duc Tho: Let me think over it. Let us discuss other questions.

Dr. Kissinger: All right. I am reaching the point where I understand this chapter, Mr. Special Adviser. Do you?

Le Duc Tho: [Laughing] I scarcely remember this chapter.

Dr. Kissinger: Well, this then means that under Article 17 we include 8(b). You want to include 8(b) and 8(c) in the Two-Party Commission and we agree with you. That was your proposal. We accept your proposal.

Le Duc Tho: We like to mention only 8(c), not (b).

Dr. Kissinger: That is fine. All right. [Aside to Sullivan: What is the hooker in that?] No, you're right—8(c) only. So now we come to Article 18. Now after the change we made, the International Commission should report to the two parties about Article 8(c), not to the four parties.

Le Duc Tho: I think that the International Commission should report to the four parties on the implementation of Article 8(a) and not (b), because 8(b) comes under the responsibility of the parties and not . . .

Dr. Kissinger: I can agree. Oh, wait a minute. (b) is missing in action. You don't want the International Commission involved in the missing in action.

Le Duc Tho: Right, because this question of people missing in action is a question which will be prolonging for a long time.

Dr. Kissinger: Let us see what your protocol will be on this issue. We are interested in the fact, not the theory. If we can make a satisfactory bilateral arrangement we will consider it.

Le Duc Tho: Agreed.

Dr. Kissinger: I think, incidentally, our experts, after we are through, ought to look at it again to make sure we all agreed to the same thing. [Everyone laughs] I am developing a Vietnamese mind.

Le Duc Tho: We will carry it out this time only.

Dr. Kissinger: Not us—not you and I—our saboteurs!

Now Article 8(c) will be put back under Article 18(c)—supervision of Article 8(c). We are agreeing with you. And so will Article 13. Your professor of Canon Law here has developed a new theory of it.

Le Duc Tho: You said on December 4 that the Article 13 did not come under the International Commission, therefore we drop this.

Dr. Kissinger: No, no, no, no, that was something different. That was produced by the complexity of my language and the subtlety of your intellect. Let me explain. I had written into the text of Article 13 that it would be under international supervision, and then I considered that since no other article had that phrase it was unfair to put it into this article as a special phrase. And therefore I meant to say we drop the sentence "with respect to international supervision" which would single it out, but it should be under international supervision in that Chapter VI. It always was. In every previous draft it was mentioned in that chapter, including the October draft. In the October draft it was mentioned. I didn't mean to take it out of Chapter VI. I just wanted to take the phrase out of Chapter IV particularly. It would not look discriminatory in that one paragraph.

Le Duc Tho: I agree to put it here.

Dr. Kissinger: Thank you. So now we are at my favorite chapter, Cambodia and Laos. We can discuss the Ho Chi Minh Trail. Has your assistant explained the problem of Cambodia and Laos to you? We want to say “shall respect” or “agree to respect”.

Le Duc Tho: We prefer to drop this because “shall” or “agree to” is not needed. Because if you put “shall”, the future, then one does not know when.

Dr. Kissinger: When it starts?

Le Duc Tho: Yes, in Vietnamese language future “shall” means not now, in the future.

Dr. Kissinger: Well, let us say “starting immediately they shall respect”.

Le Duc Tho: “The parties participating in the Paris Conference on Vietnam strictly respect . . .”

Dr. Kissinger: This creates the impression that everything that is now going on will be continued. In English, it means “must”.

Le Duc Tho: Because now we are respecting the 1954 Geneva Agreements and the 1962 Geneva Agreements. It means that we will, but we have been respecting these Agreements since 1954, since 1962.

Dr. Kissinger: Every time that the Special Adviser explains one of these provisions to me, my uneasiness about this agreement multiplies. How about the 316th Division that is running around in the Plaine des Jarres? Are they demobilized troops?

Mr. Phuong: Soldiers who have chosen to return to that Plaine.

Le Duc Tho: Because if you put the word “*se*” in Vietnamese it means—say, if there were such a sentence—“the parties will strictly respect the 1972 Geneva Agreements on Laos”.

Dr. Kissinger: There is no 1972 . . .

Le Duc Tho: But this is something not yet happened, futurity, you see. If so we can use the word “*se*”. We come to use the word “*se*”. Here is the futurity.

Dr. Kissinger: How about “must”? “Shall” is not future in English.

Mr. Phuong: Mr. Engel told me the other day and many times that it did not make a difference between “shall” and “will”.

Dr. Kissinger: Mr. Engel is a Vietnamese expert. He knows nothing about English.

Le Duc Tho: We accept the Vietnamese word “*se*”.

Dr. Kissinger: The result will be that they will say it doesn’t go into effect until 1990. [Tho laughs]

Le Duc Tho: I agree and regarding the internal affairs of Cambodia and Laos, we can use the word "shall".

Dr. Kissinger: "Shall"? "Should"?

Le Duc Tho: "Should".

Dr. Kissinger: "Should" is fine.

Article 23: we haven't agreement on the text yet, so there is no sense discussing it. Or we haven't agreed yet on the form of signing, so there is no sense discussing it.

Le Duc Tho: The description of Article 13 in Article 18(c)—this is how we described it: "Article 13 regarding the agreements reached by the two South Vietnamese parties on the reduction of the military effectives of the two South Vietnamese parties and the demobilization of the troops being reduced." I read again.

Dr. Kissinger: Give it to me again.

Mr. Phuong: "Article 13 regarding the agreements reached by the two South Vietnamese parties on the reduction of their military effectives and the demobilization of the troops being reduced."

Dr. Kissinger: I think we should simply say "regarding the reduction of military effectives of the two South Vietnamese parties and the demobilization." Because we don't say in any other paragraph where the two parties are negotiating, about "agreements reached". We don't say it in Article 8(c). But the rest is all right, "regarding the reduction".

I agree to everything else except "regarding the agreements reached", because we are not saying it with respect to anything else. We do not say about 9(c), "about the agreements reached between the South Vietnamese parties about the return of detainees."

Le Duc Tho: The reason why we have proposed this sentence is that the International Commission controls the implementation of the agreements reached by the two South Vietnamese on the question of reduction of military effectives and the demobilization, and not when the two South Vietnamese are discussing these questions. Because discussion comes under the sovereignty of the two South Vietnamese parties and the International Commission should not interfere in the discussions.

Dr. Kissinger: The International Commission does not interfere in the discussion. First of all the National Council does not establish this. It says the two parties agree. Secondly, the International Commission does not interfere in anything in the discussion; the International Commission is concerned with the implementation.

My associates think that your friend at the left [Mr. Loi] is the head of the Buffalo Traders' Trade Union. I suggest he move to his usual seat.

Le Duc Tho: But the horse traders' syndicate is very big. [Laughter] The sentence you propose to Article 13 has broad meaning. I cannot accept that.

Dr. Kissinger: No, I am accepting your sentence minus the word "the agreements". I am saying "regarding the reduction of South Vietnamese", or whatever you have there, for demobilization and the reduction of their effectives. They will be governed by Article 13 in this. The article does not confer any obligations. In fact we are ready to drop all the descriptions and just name the articles. Chapter VI is not an operational chapter. It only describes what article is under what Commission.

Le Duc Tho: We will leave this question to the experts, how to rewrite.

Dr. Kissinger: All right, and then the experts will bring it back to us. [Laughter] I think your associate on the left has many great qualities but he doesn't know the word yes. What is the Vietnamese word for "yes"? Mr. Engel will teach you during the break.

This leaves us Article 12, and what to do about missing in action and the Four-Power Commission. We have tentatively agreed to dissolve the Four-Power Commission after 60 days providing your protocol gives us some assurance on the missing in action. And the same is true with respect to the competence of the International Commission. So I recommend we defer this until we've seen your protocols. With respect to Article 12, let me think about it during a break which I would like to propose. I am very attached to the word "khuyen khich."

Le Duc Tho: I am attached to the word "don doc".

Dr. Kissinger: How about flipping a coin? Shall we take a little break? We settled a lot of issues.

Le Duc Tho: But there are still many left.

Dr. Kissinger: Only the word "civil".

Le Duc Tho: A great question. You have not responded to me. I have shown my good will.

[The meeting broke at 5:15 and resumed at 6:07 p.m.]

Dr. Kissinger: Well then, we shall leave the agreement to be worked over by the experts tomorrow and we will study the issue of missing in action in the light of the protocols you will give us. Have you given us the protocols, incidentally?

Has there been a shift of power in the DRV delegation? Our people always study the wall posters along the Kremlin and I think the Vice Minister's wall poster has slipped back a little bit.

Xuan Thuy: These protocols: the ceasefire, the Four-Party Joint Commission and the Two-Party Joint Commission in one document;

and another, the protocol on the Commission of International Control and Supervision. [Hands over Ceasefire Protocol at Tab B and ICCS Protocol at Tab C.]

Dr. Kissinger: I will bet the Special Adviser wrote them personally. [Tho nods no.] May I ask, has he read them? [Laughter]

Le Duc Tho: I gave full authority to Minister Xuan Thuy. [Laughter]

Dr. Kissinger: If the Minister did it, the DMZ is now running north-south instead of east-west, through the middle of Cambodia.

[Laughter]

Le Duc Tho: I have discussed the question with the Minister and other of my colleagues.

Xuan Thuy: As to drafting the document, I have not written any word. Only type-written!

We shall have a separate protocol on the captured and detained people and missing in action people—separate protocol.

Dr. Kissinger: Not captured and detained. Missing in action only.

Xuan Thuy: In one protocol, regarding 8(a) and 8(b).

Dr. Kissinger: Are all these nine points that you listed in the Republic of Vietnam? [Laughter. Tho nods yes.] Well, we will have to study this tonight. And we should have a discussion tomorrow of the principles of it. I agree with the suggestion of the Special Adviser that Ambassador Sullivan should stay here for some days and discuss it.

Xuan Thuy: You know in Laos there are a great many buffalos and even elephants.

Le Duc Tho: So you are now becoming elephant trader!

Xuan Thuy: And there is another protocol on the removal of mines.

Le Duc Tho: We paid attention to this question and you don't. So I now complete the series of protocols.

Dr. Kissinger: Have you counted them? And numbered them? [Laughter] No, we have paid attention to it. We have as a matter of fact moved mine sweepers to Honolulu, and we intend to carry this out.

So I think we have gone as far with the text of the agreement as we can go today.

We will take care of Article 12(b) when we make the final adjustments. When the word "civil" is added to Article 15. [Tho laughs]

Le Duc Tho: This we cannot do.

Dr. Kissinger: Well, should we discuss the understandings then? What does the Special Adviser propose?

Le Duc Tho: Regarding the understandings, this morning Minister Xuan Thuy discussed these understandings with Ambassador Sullivan.

Therefore I will leave Minister Xuan Thuy to express our views in this connection, because he discussed the matter with Ambassador Sullivan this morning.

There are the understandings on civilian personnel and detainees and on a number of other questions. If we have solved the question of American civilian personnel and the question of civilian detained as we have done in the agreement, it is because we want to have some understanding from your side. We think regarding the question of civilian personnel everything is agreed; it is the question the period of time only now. Minister Xuan Thuy will express our views.

Xuan Thuy: This morning we tabled a number of understandings and Ambassador Porter did the same—a number of understandings. We have agreed on the understandings with regard to the reconnaissance activities.

Dr. Kissinger: Can we just read it, to be sure we have it correctly?

Xuan Thuy: Only one word disagreed. Let me read it—"With respect to reconnaissance activities, the U.S. side confirms that with the coming into effect of the Agreement on Ending the War and Restoring Peace in Vietnam, reconnaissance activities against the territory of the Democratic Republic of Vietnam will cease completely and indefinitely."

Ambassador Porter did not want to keep the word "indefinitely". So I argued that since we have put in the agreement that cessation of hostilities is durable and without limit of time, therefore I think that we can put the word "indefinitely" here. The only one word we still disagree to.

Dr. Kissinger: All right, I agree to it. See, the Minister has a special way with me, Mr. Special Adviser. I am sure he is going to revise Chapter V for me. In every previous group of meetings we had, the Minister was assigned the job of breaking them off. He has a great speech for it. I have learned it by heart but I have never found the occasion to use it. The Special Adviser's are very useful to me as I told you.

Xuan Thuy: Regarding Article 5, I will leave it to the two Special Advisers to discuss.

Dr. Kissinger: He is going to forget about it.

Xuan Thuy: Let me discuss only the understandings.

Dr. Kissinger: It isn't Article 5. It is Chapter V. I like Article 5. I am very pleased with Article 5.

Xuan Thuy: Regarding the aircraft carriers, I propose to add "other U.S. warships" to the aircraft carriers. Secondly, instead of the "shores of North Vietnam" I would propose the "shores of Vietnam". Let me

read the understanding: "With respect to U.S. aircraft carriers and other warships, the U.S. side cannot accept any restrictions regarding the transit of aircraft carriers as was pointed out by Dr. Kissinger to Special Adviser Le Duc Tho on October 11, 1972. Thus the understanding on this question with respect to mentioning a distance of 300 nautical miles from the shores of Vietnam refers to the stationing of U.S. aircraft carriers and other warships."

Dr. Kissinger: Well, we have to stick with the understanding we gave you. Because it runs counter to any concept of freedom of the seas. It is already a very special exception. And we also have no legal basis for making it Vietnam; we have a basis for making it North Vietnam. If you draw a circle, the difference isn't all that great.

Xuan Thuy: This morning I expressed my views saying that Vietnam is more logical because it has been said before by you. As to the word "other warships . . ."

Dr. Kissinger: But the Special Adviser has often pointed out to me that I am capable of saying illogical things. So the mere fact that I may have said something would not yet prove it.

Xuan Thuy: I mention other warships because U.S. warships are now daily shelling the coast of Vietnam. And at the very beginning it is a fact that the U.S. warships, they cause the current war. Therefore if we put "other warships" or say put the word "Vietnam", it will show all the better that the U.S. is not now threatening Vietnam, and the people of Vietnam will have more respect for you.

Dr. Kissinger: [Laughs] We appreciate the Minister's thoughtfulness but we will give up that unilateral advantage. So I think, since it is a unilateral American undertaking, without reciprocity, I think we should stick with what we gave you. And of course the shelling of the Vietnamese coast will stop under the provisions of the ceasefire. And of course they will stay outside the territorial waters. Except for mine sweepers. [Vietnamese laugh] Incidentally, does your protocol for mine sweepers explain how American personnel can operate in North Vietnam while they are sweeping your mines? I mean, have you addressed that question?

Xuan Thuy: So we leave it aside.

Dr. Kissinger: Do you mean that you are dropping it?

Xuan Thuy: For the time being. We will come back to it. Now regarding the prisoners.

Dr. Kissinger: I really asked a serious question. You said you were doing a protocol on mine sweeping. You should make some provisions in that protocol for our American personnel to operate in North Vietnam while they are sweeping mines. Where they should live and how they get supplies, because it is a complex operation.

Xuan Thuy: I shall give you.

Dr. Kissinger: No, just make sure to include in there.

Xuan Thuy: Agreed. You haven't given us four understandings regarding Cambodia and Laos and the return of prisoners, but I propose these questions be in one understanding only. Because the message of the Prime Minister of the Democratic Republic of Vietnam, Mr. Pham Van Dong on October 21 in reply to the U.S. President's message of October 20 have dealt with these four questions.

Dr. Kissinger: Which four questions?

Xuan Thuy: The four papers you gave us this morning dealt with them.

Dr. Kissinger: That is right. We put them into two separate ones, by putting everything that dealt with Cambodia into one and everything that dealt with Laos into another. So that explains why we have a separate one on Cambodia and a separate one on Laos.

Now the two others, Mr. Minister. The one on the unconditional return of prisoners was covered with respect to Laos in exchanges between the President and the Prime Minister. But since Madame Binh's press conference we have been concerned that she might not have been fully aware of the understanding between the Special Adviser and us, or not realized that paragraphs 8(a) and 8(b) stand by themselves. And therefore we want to make absolutely certain that this understanding applies throughout Indochina.

Xuan Thuy: Let me finish my ideas. In the message of Prime Minister Pham Van Dong on October 21st in reply to the October 20 message of the President of the United States, we have clearly spoken about all the questions regarding Laos and Cambodia and the return of American prisoners. Therefore we think that we had better excerpt all these paragraphs and add the first paragraph of the October 22 of the U.S. side.

Dr. Kissinger: Can you read me what it says?

Xuan Thuy: This first paragraph reads as follows: "The President notes with appreciation the message from the Prime Minister of the Democratic Republic of Vietnam which satisfies all his points with respect to Laos and Cambodia as well as U.S. prisoners." In doing so, there will be only one paper. It is simple and adequate, and this such paper will have value because it excerpts the statements made by the leaders of the two states.

Dr. Kissinger: Let me understand. Because whenever the DRV side says something is logical and reasonable I am in trouble. [Laughter] What you propose is that we use the text—I think the Special Adviser and I are beginning to understand each other.

Xuan Thuy: So there is no trust at all, always distrust.

Dr. Kissinger: No, the Special Adviser and I understand each other. The trouble between us is not that we don't understand each other; we understand each other only too well. [Laughter]

In the 16th century the Austrian King said he was in complete agreement with the King of France because they both wanted Milano. [Laughter]

Xuan Thuy: When there is too much understanding it is tantamount to no understanding at all. [Laughter]

Dr. Kissinger: After we make peace the Minister and I will take our act on a tour. We'll go on the stage around the United States.

Xuan Thuy: But you are acting much more than I. But I understand your acting. [Laughter]

Dr. Kissinger: Now, do I understand correctly that you want to use the entire message of the President of October 20 relating to Laos and Cambodia, the reply of your Prime Minister, and then the reply to the Prime Minister of the President again? If you do, I agree with it.

Xuan Thuy: What I want and I think it is sufficient and adequate is to use excerpts of the message of Prime Minister Pham Van Dong and the first paragraph of the reply of President Nixon.

Dr. Kissinger: Well, I don't think the Prime Minister's reply makes any sense except in the context of what the President addressed to him first. Because the reply drafted for Prime Minister Pham Van Dong by the Special Adviser affirms statements which were made by the President.

We agree to your proposal of adding the sentence from the President's final message, but then the President's original message, your reply, and the President's final message should all be put in the same document.

[At this point Tho got up to leave the room for a few minutes.]

Dr. Kissinger: [To Tho as he leaves] If I have to stay here the Special Adviser can't leave for too long. This isn't any easier on me.

Le Duc Tho: A short moment. We are closely linked to each other.

Dr. Kissinger: That is true.

Xuan Thuy: I agree to your way of doing.

Dr. Kissinger: Good. We will get it typed up over night then and we will compare the text tomorrow.

Now two other things in connection with this understanding, Mr. Minister. First you will undoubtedly want to change the date of December 30 for the release of prisoners from Laos. We don't insist on it. [Laughter] But if we are here much longer we may have to change the year! [Laughter]

Xuan Thuy: But it was assumed that the agreement would be signed on October 31st.

Dr. Kissinger: As a sign of good will I am prepared to change the date.

Secondly, the Special Adviser has sold me on a number of occasions for ten different concessions a shorter ceasefire in Laos, and we have to put that in here as an amendment. The number of days we were envisaging was ten days.

Xuan Thuy: You mean ten days after the ceasefire in Vietnam.

Dr. Kissinger: Yes, for the ceasefire in Laos—not for the prisoners. I have got the Minister completely confused.

Xuan Thuy: Previously it was proposed for one month. Now we put it to 20 days.

Dr. Kissinger: [Laughs] I was certain you would say 29 and then say split the difference. Well, it really doesn't meet the basic point, which is at the time the first agreement was made there was no expectation that—the Laotian parties had just met and it was to be done in a very short time. Now there is no reason why there should be any lapse, and now I think with new delays coming up there is even less of a reason. [Tho returns at this point.]

Dr. Kissinger: See, as soon as the Special Adviser heard Laos he came rushing right back. He hadn't sold that delay for a whole day.

Le Duc Tho: There should be a mutual understanding. We have put a definite period in connection with the Laos question. And it will need some time for our allies to prepare the ceasefire. We will discuss with them.

Dr. Kissinger: Now with the Special Adviser returning to Hanoi there is plenty opportunity for discussion.

Le Duc Tho: Yes, I will be discussing with them when I return.

Dr. Kissinger: Why don't we say two weeks?

Le Duc Tho: You want an early ceasefire in Laos and you want prolonged withdrawal of American civilians. When I raise this question I am bargaining with you.

Dr. Kissinger: No, you owe us eight days yet from our withdrawal period in Article 3.

Le Duc Tho: If you want one week that is no problem. We can prolong one week but 15 months is too long. After we agree with our allies, it doesn't mean that we want to delay the ceasefire. But it is some necessary time.

Dr. Kissinger: Well, I have been trying to tell the Special Adviser, with a total lack of success, that in addition to all the bargaining we are doing here it is important that this agreement start with an attitude

of good will on both sides. After all our negotiations here, it is extremely difficult to explain to our people when there have been two meetings to prepare for a ceasefire that if there is any good will they should have any trouble implementing a ceasefire in Vietnam.

Le Duc Tho: You are always asking me to take into account of your desires, but you have not done the same toward our requirements. You want a very early ceasefire in Laos, but our concern is about the withdrawal of American civilian personnel. You have not responded to that. So in a fair way taking into account of each other's concerns, you should pay attention to that. I resolved the question of Laos and Cambodia in October. There was not a spirit of mutual comprehension and reciprocity. If you meet our needs, we are always prepared to meet your needs too.

Dr. Kissinger: The Special Adviser is setting up one of his trades—six days for six months—in a small country for a vital country.

Le Duc Tho: No, the question of ceasefire in Laos is major question to you and the question of withdrawal of American civilian personnel is also a major question.

Dr. Kissinger: The question of a ceasefire in Laos, the difference of a few days in time, is not a major question for us. If there is no ceasefire in Laos we will just concentrate our whole remaining air force in Laos.

Le Duc Tho: We understand that. But it's the period we need—a reasonable period for the ceasefire in Laos to come about. What is your requirements now? For the ceasefire in Laos, on the question of the DMZ, the question of civilian personnel left behind in South Vietnam. But you do not respond to our requirements. I feel that it is unfair. In negotiations you have brought your necessities; we have ours.

Xuan Thuy: By the way, let me say about regarding the release of civilian personnel detained in South Vietnam under Article 8(c). This morning Ambassador Porter linked this question with the question of reduction of effectives, military effectives, and the question of demobilization of troops. I propose to delete this paragraph and to maintain what Dr. Kissinger said on October 17.

Dr. Kissinger: You cannot delete a unilateral American statement that describes our capability of exercising influence. But can we finish Laos and Cambodia first? We are not finished with the four . . .

Le Duc Tho: Last week I gave you a definite answer on this question.

Dr. Kissinger: On what question? What is the question?

Le Duc Tho: The question of 8(c). I have definitely answered to you as follows: I have answered to you in very explicit way that I agree to the redeployment of a number of symbolical forces in the northern part of South Vietnam on condition to redraft Article 8(c).

But you did not agree to that, and afterward I accept to maintain Article 8(c) on the condition that you maintain the pledge you made on October 17 saying the civilians detained in South Vietnam will be released within two or three months. And actually if we accept to settle the question of 8(c) as it is now in the agreement in October, it is precisely because of the pledge you made in that month; otherwise we would not have accepted Article 8(c). This is the solution we have brought to this question at that moment. Now we maintain as it was.

Dr. Kissinger: Mr. Special Adviser, first of all the only thing you have ever quoted was . . . We were talking about Laos and Cambodia. We haven't even finished that yet. Then immediately 8(c) is raised again and Article 5. Now I know we have to discuss 8(c) and 5 once a day and make a concession for it once a day, but may I suggest that we defer our daily discussion of 8(c) and 5 until we have finished Laos and Cambodia? After which we can both make our speeches on 8(c) and 5.

Le Duc Tho: But actually we have made the concessions with regard to Article 8(c) and Article 5.

Dr. Kissinger: Chapter V, not Article 5.

Le Duc Tho: Chapter V I don't remember the number or the chapter. So you are right when you said that if we agree to this agreement probably sometime—I don't know whether you will remember the provision of the agreement.

Dr. Kissinger: I will never forget 8(c) or Article 5. Once the Special Adviser knew he was on to a good thing he didn't let go. Everyday he touches this point and says "Does it hurt?" I say "yes", then he punches it. Then he gets a reward for stopping.

So if I may make a suggestion, if the Minister and I could finish on Laos and Cambodia then the Special Adviser and I can have our daily brawl on 8(c) and 5. And then I will report to the President that as a sign of good will and serious attitude the Special Adviser for 24 hours promised to stop talking about it.

The Special Adviser will miss me when he is in Hanoi. With whom is he going to discuss Article 5?

Le Duc Tho: You will miss me. I will miss you, I agree.

Dr. Kissinger: We will exchange messages.

Xuan Thuy: We were really finished.

Dr. Kissinger: As a matter of fact, Mr. Special Adviser, . . .

Xuan Thuy: Regarding the question of Laos, there is only a question of the waiting period. I said 20 days.

Dr. Kissinger: 20 days you said, and I said 10. We may leave it unresolved.

Le Duc Tho: You will please try to solve the question of civilian personnel. We will solve this question for you very rapidly.

Dr. Kissinger: Yes, sell two days for everything concerned. We get two hours, you get two days. On Friday the Special Adviser said he was settling Laos when we accepted Article 1. I didn't realize that he was giving us only 10 days.

All right. Now we have to add a protocol to this Laos and Cambodia understanding to indicate that the articles have changed. A codicil: Article 15 to which it refers is now Article 20.

Xuan Thuy: I agree.

Le Duc Tho: Agreed. [Tho and Kissinger smile at each other.]

Dr. Kissinger: Is the Special Adviser going to the opera tonight?

Le Duc Tho: I am really tired. I wish to break at 7:30.

Dr. Kissinger: All right. We need, however, this statement on the unconditional release of prisoners. Unless this is in your protocol of prisoners. It is simply a reaffirmation of what was in our message to your Prime Minister.

Le Duc Tho: Please give us it.

Dr. Kissinger: We have given it to you. You have it.

Le Duc Tho: We will study it. We will not answer it immediately, this question.

Dr. Kissinger: You aren't going to answer immediately. Yes, although this is nothing new. There hasn't been any question from our point of view and it was in the message we sent to the Prime Minister on October 20.

Le Duc Tho: We cannot answer it now, this question.

Dr. Kissinger: Is there any question? I wasn't aware of any question.

Le Duc Tho: We will consider the understanding. I will consider your statements.

Dr. Kissinger: We don't consider that this is anything that needs to be negotiated.

Le Duc Tho: We have to study it.

Dr. Kissinger: Now then we handed you another.

Le Duc Tho: Because if it is not something to be negotiated why would you give it to us?

Dr. Kissinger: Simply to make sure there was no misunderstanding of our view. We gave it to you because of what Madame Binh said on Saturday . . .

Le Duc Tho: We will consider it.

Dr. Kissinger: . . . which was in complete contradiction to everything that has been said before.

Xuan Thuy: Because there is explicit provisions, Article 8(a) and (b). There is nothing to be added.

Dr. Kissinger: Well, if that is your understanding of it, that is fine.

Le Duc Tho: It is what we understand.

Dr. Kissinger: Does Madame Binh understand?

Le Duc Tho: But I have to proceed here.

Dr. Kissinger: I consider, when the agreement is signed, she cannot exercise the female prerogative of changing her mind.

Le Duc Tho: This lady may not be satisfied with your statement.

Shall we adjourn now and we will discuss tomorrow.

Dr. Kissinger: May I just—because the Minister is so well prepared for it—finish the one point about Cambodia? We told you three weeks ago, when we first met, that we would arrange that after the ceasefire in Vietnam takes effect the forces of the Lon Nol government will cease offensive operations. On a de facto basis, without an agreement. And we have given you an understanding, to use your influence to bring about the same thing.

Le Duc Tho: I told you on many occasions the Cambodia problem is a complicated one. In September and October. Therefore, we have made an understanding with you mentioned in the message of our Prime Minister to the President of the United States, and the President of the United States was satisfied with this understanding. So you want to complicate things.

Dr. Kissinger: We don't want to complicate things. We want an end to military operations. That shouldn't complicate things. If you genuinely want peace it should be easy to use your influence to stop military operations. I don't see why that complicates things.

Le Duc Tho: It is what you think. But it is not so simple, and our ally is not so simple. I have told you this many times already. There is a difference between Laos and Cambodia. The Laotians and the Cambodians are both our allies but they have different views and their stands are different. It is not always that they understand the suggestions that we make to them. In Laos we have to discuss with them to come to an agreement with them and to propose things to them. Even in Laos there are questions they agree with us and there are others they disagree with us. The same for Cambodia. You should realize that.

I propose we adjourn. After the break I propose to you to remain and have dinner with us.

Dr. Kissinger: Tonight?

Le Duc Tho: We should have informed you in advance. But for me personally I would like to return home now for a rest. It is more

appropriate if I remain here to keep you company. Please understand I need a rest.

Dr. Kissinger: I understand. The press will think you have left in anger.

Le Duc Tho: No, I will be smiling when I go out.

Dr. Kissinger: Good. Well our problem is that we have a lot of work to do on these protocols tonight. I wonder whether perhaps we should have dinner some other time. But we appreciate it very much. It is extremely courteous of you. Now I will postpone my departure, but I must leave late in the afternoon then tomorrow, and therefore I propose tomorrow we meet in the morning. What is convenient for you? Eleven?

Le Duc Tho: 10 o'clock.

Dr. Kissinger: 10 o'clock. It would be better?

Le Duc Tho: Shall we meet until two or three o'clock? Because I have to make my luggage because I will be leaving.

Dr. Kissinger: Let's say until 3 o'clock. And at Neuilly? [They nod yes.] We will have lunch over there. But you leave Thursday.

Le Duc Tho: Yes, Thursday. Thursday or not later than Friday. If we have to do it—3 o'clock, then I can make my luggage.

Dr. Kissinger: How many suits do you have? I want to know how many suits the Special Adviser is bringing.

Le Duc Tho: I have to discuss with Minister Xuan Thuy and other things before I leave.

Dr. Kissinger: Then let me ask one other question which we should decide today. What should we do about the Thursday session this week at Avenue Kleber? Do you think there should be one?

Xuan Thuy: I think that we should meet as usual because there are the other two parties.

Dr. Kissinger: Because one of them might want to table a new proposal, and then the Special Adviser might talk about 5 and Article 8(c) and they may have a different document. [Laughter] Well, if we meet, can we try to meet in a restrained way, now that friendship has been established between the Minister and the Ambassador?

Ambassador Porter: It always existed.

Dr. Kissinger: And the Ambassador will probably be busy on the protocols so he shall send his deputy. And my understanding is, Mr. Special Adviser, that after we both leave, Ambassador Sullivan will stay here for a while. And what is the Vice Minister going to do? Is he staying?

Le Duc Tho: He will remain and work on the protocols.

Dr. Kissinger: All right then, Ambassador Porter and Mr. Thach. I will leave tomorrow afternoon. Ambassador Porter and Sullivan will

stay. Ambassador Sullivan may leave early next week or the weekend and then Ambassador Porter will carry on, but we have an expert here whom we should bring tomorrow—Mr. Aldrich. I propose that tomorrow we discuss the rest of the understandings and the issues of principle that are involved in the protocols and then the details can be worked out by the Minister, the Vice Minister, and the two Ambassadors. [Tho nods yes.] And I think our specialists should meet tomorrow morning to conform the texts one more time. I think they should meet at 10 o'clock and the rest of us meet in Neuilly. They can meet at 10:00 in a separate room in Neuilly. It is only a half-hour job. Just to make sure that what the Special Adviser and I agreed on today is reflected in the text.

Xuan Thuy: I propose that the experts will begin working earlier—at 9 o'clock.

Dr. Kissinger: A good idea.

Le Duc Tho: At Neuilly?

Dr. Kissinger: At Neuilly—9 o'clock. Very good and we meet say at 10:30. Is that agreeable, Mr. Special Adviser? But you still should smile when you leave.

Ambassador Sullivan: You have two more protocols.

Le Duc Tho: Tomorrow we will discuss the principles.

Dr. Kissinger: All right. Let us discuss the principles tomorrow. And of course we may settle the agreement itself tomorrow, but the Special Adviser has never read me the message he received.

[The meeting ended.]

41. Memorandum of Conversation¹

Paris, December 13, 1972, 10:30 a.m.–4:24 p.m.

PARTICIPANTS

Le Duc Tho, Special Advisor to DRV Delegation to the Paris Conference on Vietnam
 Xuan Thuy, Minister, Chief DRV Delegate to the Paris Conference on Vietnam
 Nguyen Co Thach, Vice Minister for Foreign Affairs
 Phan Hien, Delegation Member
 Luu Van Loi, Delegation Member
 Trinh Ngoc Thai, Delegation Member
 Tran Quang Co, Delegation Member
 Nguyen Dinh Phuong, Interpreter
 Pham The Dong, Notetaker

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 865, For the President's Files (Winston Lord)—China Trip/Vietnam Negotiations, Camp David Memcons, December 1972 [1 of 3]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at 31 Boulevard de la Saussaye, Neuilly-sur-Seine. All brackets are in the original. Tab A is attached but not printed.

A paper by NSC staffer John Negroponte, prepared for Kissinger on December 14, summarized "Hanoi's negotiating behavior both in substance and procedure" in the negotiations since their reopening on November 20. Negroponte concluded that "Hanoi has no intention to meet any of the basic requirements that we made clear to them at the end of October; and through a series of irritating dilatory tactics has pursued a course which can be interpreted as desire to achieve either no agreement at all or an agreement substantially worse than that achieved in late October. Hanoi's tactics have been clumsy, blatant, and fundamentally contemptuous of the United States." (*Foreign Relations*, 1969–1976, vol. IX, Vietnam, October 1972–January 1973, Document 174)

Kissinger flew back to Washington on December 13, and he, Nixon, and Haig met the next morning to decide on a course of action. As Kissinger summarized: "We are now in this position: as of today, we are caught between Hanoi and Saigon, both of them facing us down in a position of total impotence, in which Hanoi is just stringing us along, and Saigon is just ignoring us. Hanoi—I do not see why Hanoi would want to settle three weeks from now when they didn't settle this week. I do not see what additional factors are going to operate. I'm making a cold-blooded analysis."

Gradually, a consensus emerged at the meeting that if Saigon absolutely rejected the settlement, the United States would be forced to deal directly with Hanoi to achieve a bilateral agreement, and leave South Vietnam to go it alone. But first the United States would unleash a massive air campaign to shock the North Vietnamese into the minimal concessions necessary to reach an agreement.

Given the threat of Congressional action to cut off funding for the war, Kissinger suggested: "Now, I would recommend that we leave open the possibility of this settlement, if the other side meets the very minimum conditions that we have indicated. I would then recommend that we start bombing the bejeezus out of them within 48 hours of having put the negotiating record out. And I would then recommend that after about two weeks of that, we offer withdrawal for prisoners, about the time that the Congress comes back and say, 'It is now been proved that the—the negotiation's too complex involving all the Vietnamese parties. Let them settle their problems among each other. The South is strong enough to defend itself.'"

(Footnote continues on next page)

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
Ambassador William Sullivan, Deputy Assistant Secretary of State
Ambassador William Porter, Chief of U.S. Delegation to the Paris Conference on Vietnam

George H. Aldrich, Deputy Legal Adviser, Department of State
Winston Lord, NSC Staff

John D. Negroponte, NSC Staff

David A. Engel, NSC Staff, Interpreter

Peter W. Rodman, NSC Staff

Mrs. Mary Stifflemire, Notetaker

[The group gathered in a sitting room adjoining the meeting room for about fifteen minutes prior to the beginning of the meeting, during which Le Duc Tho and Xuan Thuy presented gifts to Dr. Kissinger: A set of classical Vietnamese wood-block prints; a French book of Vietnamese art, inscribed to Dr. Kissinger by Le Duc Tho and Xuan Thuy; a carved wooden covered bowl in the shape of a coconut. The formal meeting began at about 10:30.]

Dr. Kissinger: Have you met Mr. Aldrich? He is our legal expert on the protocols.

[Dr. Kissinger and the Ambassadors then studied the papers from the experts meeting for about five minutes.]

The course of action selected in the end was to conduct an all-out air offensive against the North Vietnamese heartland. If the North Vietnamese had not offered the necessary concessions by December 28, the United States would move to propose a bilateral deal with Hanoi: the return of U.S. prisoners of war and an end to the bombing, in exchange for U.S. withdrawal from the war. While Kissinger and Haig focused on the strategic aspects of the decision, Nixon repeatedly worked through the political implications of the renewed bombing and the means by which it could be explained to the U.S. people. (*Ibid.*, Document 175)

Senior planners on the Joint Chiefs of Staff, at the direction of the Chairman, Admiral Thomas Moorer, had previously prepared and recently updated contingency plans for the bombing. U.S. forces, therefore, could begin the bombing, officially called Operation Linebacker II, in a matter of days. For documentation on the planning, see *ibid.*, Documents 132, 149, 164, 169, 176, and 184.

Despite the increasing willingness to go it alone, Nixon wanted to give Thieu another opportunity to accept the agreement in return for continued U.S. support. To this end he sent Haig to Saigon to meet with Thieu and personally deliver a letter from him regarding America's determination to go it alone if Thieu did not accept the agreement. The letter, drafted by Kissinger and revised by Nixon, is printed *ibid.*, Document 189. Haig later characterized the letter as being "brutally frank." (Haig, *Inner Circles*, p. 309) Haig saw Thieu on December 19 and 20. Thieu remained noncommittal on the agreement, despite the sustained pressure imposed by Nixon over the previous months. For Haig's reports on the meetings, including the text of a letter from Thieu to Nixon, see *Foreign Relations*, 1969–1976, vol. IX, Vietnam, October 1972–January 1973, Documents 197, 198, and 206.

The bombing began on December 18 and continued until December 29, with a 36-hour break at Christmas. For contrasting narratives of the course of the bombing and its impact on the negotiations, see Kissinger, *White House Years*, pp. 1446–1461, and Luu and Nguyen, *Le Duc Tho-Kissinger Negotiations in Paris*, pp. 415–422.

Mr. Special Advisor, we will be separating tomorrow and afterwards be in touch by messages.

Le Duc Tho: I agree to that plan. We will meet today and tomorrow we will rest and the day after tomorrow I will leave. Probably you will leave before me.

Dr. Kissinger: I am leaving tonight.

Le Duc Tho: I will be leaving the day after tomorrow in the morning.

Dr. Kissinger: And I will not be able to rest tomorrow.

Le Duc Tho: So will I because I will have to have meetings with Minister Xuan Thuy and others of our experts.

Dr. Kissinger: And then you will be back in Hanoi when?

Le Duc Tho: On the 18th I will be in Hanoi. The day after tomorrow will be the 15th.

Dr. Kissinger: So you will be able to celebrate Christmas with your family.

Le Duc Tho: In Vietnam we have not the custom of observing Christmas.

Dr. Kissinger: I know. On the 18th you are back in Hanoi. We will communicate with you after you are back in Hanoi, or you communicate with us, and then we can decide whether we can settle it by messages or whether we should meet again.

Le Duc Tho: Right.

Dr. Kissinger: So today we should reduce the number of issues that remain to the minimum necessary, so that we do not have to send messages that are too long. And I think we have the following problems—just wanted to make sure the Special Advisor and I agree on what our problems are. We still have two outstanding issues on the agreement. Unless the Special Advisor thought of some more overnight. They are the DMZ and the form of signing. I put aside his daily assault on Article 8(c). [Tho laughs]

Then we have a whole list of things. I thought yesterday we had reduced the issues on the text to only two: to Article 12(b) and to the competence of the Four-Party Commission for the missing in action. Now I find that there are 17 issues that your people raised this morning, including major substantive issues that had been settled with respect to Article 7, which had been settled over two weeks ago and which had been accepted in two previous meetings of experts. Of course, we still have your attempt to modify Article 8(c). This is not new to us. The two months. And again that you have withdrawn . . . [Luu Van Loi enters the room.] Now all hope of settlement has disappeared!

Le Duc Tho: He finds out many things to raise!

Dr. Kissinger: And again we find an attempt to modify Article 20(a) both as to the substance of what had been agreed upon two weeks

ago and which had been reaffirmed at least five times by the Special Advisor during the last week. And I usually consider the fourth reaffirmation by the Special Advisor of something as official. [They laugh]

Le Duc Tho: But my experts are also tantalizing me on many questions.

Dr. Kissinger: But they are tantalizing us on substance. And I notice that you have again withdrawn the word “shall” which sounds very good to me. I like it almost as much as “khuyen khich.”

Le Duc Tho: But the word you like is disliked by me.

Dr. Kissinger: Yes, but we have two classes of problems. When your dislike is well known it is difficult but understandable. But when you accept something and then withdraw it again the next day, it raises really the most severe problems for us, because we too report what has been achieved each day, and these substantive changes present the gravest difficulties for us in terms of good faith and the possibility of believing that anything is ever final. Article 7 hasn’t been raised in two weeks; it has been specifically reaffirmed many times by the Special Advisor. It now appears in the form of linguistic change on substance that has never been discussed.

Article 20, which has been reaffirmed on many occasions and now you changed the substance. And Article 20 which we settled yesterday as to words has been changed as to language. There are many other proposals—to drop Republic of Vietnam from the text and to introduce the PRG into the text. I have some understanding for your attempt to maintain some symmetry, but all of our discussions last week were in the context that the PRG would be mentioned only in the Preamble, and when we agreed to that it was considered a solution to the problem. The protocols leave no question. Now you are introducing things into the text which change the whole discussions of last week. So I must say this makes a solution that much more difficult.

Le Duc Tho: Have you finished, Mr. Advisor?

Dr. Kissinger: Yes.

Le Duc Tho: As a matter of fact, in the agreement there are still two great major problems left. First the question of the DMZ, and the question of the signing of the agreement. And in the meantime our experts working with us have raised a number of questions again. During the meeting of the experts your experts also raised a number of new questions. Therefore we can discuss them and we will come to an agreement on these.

Dr. Kissinger: What new questions did we raise?

Le Duc Tho: Your experts have raised questions on some words, specific words. They still maintain the word “khuyen khich.” As far as we are concerned, we wanted the word “don doc.” And this word was used as early as October 8 in the text as given to you on that date.

Dr. Kissinger: In English.

Negroponte and Lord [to Dr. Kissinger]: The English word has been made weaker since, but not the Vietnamese word.

Le Duc Tho: The Vietnamese text too. We handed to you both the Vietnamese and in English. And in this paper this word is very important to us. As to the word “se,” last night our experts exchanged views again and they think it is necessary to discuss this word “shall” once again with you. Actually our experts have raised a number of questions. We shall discuss it because in the course of the discussions either side may raise a question once and again. It is something normal. It is not a major thing.

There is one question besides the two major questions in the agreement. The question of understandings is also important. We should discuss all of them here.

Dr. Kissinger: I agree.

Le Duc Tho: Regarding the question of American civilian personnel associated with military jobs, I agree to discuss with you, but you should have an understanding on this question. Or like the question of 8(c).

Dr. Kissinger: It is a little early for both Article 5 and 8(c) to be raised together.

Le Duc Tho: I would like to say this, though. I will maintain Article 8(c), but the only thing I would like to propose is to change into two months and it is to be in keeping with your pledge to Minister Xuan Thuy on October 17. Moreover we have accepted to settle the question of 8(c) as it had been done provided that it is according to the pledge given by you. But as now this pledge is changed then the question of 8(c) changes too. Therefore the settlement of the questions in the understandings are also linked to the question of the agreement. Therefore when we complete the agreement, we should also complete the understandings between us. Just like when we complete the agreement we should also complete the protocols.

Dr. Kissinger: Yes, I have one or two things to say about the protocols. [He laughs] They were well designed. I don't think that International Commission is going to exhaust itself in frenzied activity. I think the Vice Minister has deliberately . . .

Le Duc Tho: No, but they will have working hours and resting hours. [Laughter]

Dr. Kissinger: And they will have many resting hours if we accept your protocol.

Le Duc Tho: But you have your aim in drafting your protocols too. And you will overwork the International Commission.

Dr. Kissinger: We can always ease their burdens by bringing in additional personnel. [Tho laughs] In fact, if I understand it, the Vice

Minister has made sure that if the judgment of the Commission should be for more activity that the parties can enforce their rest by taking away their communication and transportation.

Le Duc Tho: Because if we have to supply the means of communication we will supply them with buffalo carts and they will move very slowly then! [Laughter]

Dr. Kissinger: And messages will be delivered by mules.

Le Duc Tho: But it is still slower by buffalo.

Dr. Kissinger: I am sure you have studied this very carefully. But I agree that we should discuss the protocols also. I think we should discuss the text. I recommend we then discuss the protocols because we have never had any discussions of them—and then the understandings. And you still owe us two protocols on the prisoners and on the mines.

Minister Thach: We have already on the protocol on the mines. [Hands over minesweeping protocol at Tab A.]

Le Duc Tho: The other one on prisoners will be ready this afternoon.

Ambassador Sullivan: You say the prisoners have to sweep the mines? [Laughter]

[Dr. Kissinger and Ambassador Sullivan read the protocol.]

[Tho and Luu Van Loi consult together on documents.]

Dr. Kissinger: Are you taking him [Loi] with you to Hanoi? I think he is badly needed there. [Laughter]

Le Duc Tho: He was expert at Geneva Conference of 1962 and 1954.

Ambassador Sullivan: I remember him well.

Xuan Thuy: But at that time he was not spectacled yet. And I don't know after completion of this how the degree of his spectacles will be increased.

Dr. Kissinger: Ambassador Porter thinks that after a year with the Minister he would like to devote himself to the Minister exclusively without extraneous influences. [Xuan Thuy laughs]

Are you already modifying what you have just presented?

Le Duc Tho: [Laughter] I have to follow them. They are now commanding me.

Dr. Kissinger: On this mining protocol, we will of course study it. I think what we would have to do is for the experts of the two sides to get together after the signing to set a realistic date. Because it will require some effort on your side as your protocol indicates it will be done in cooperation. In fact, soon after an initialing we would be prepared to bring an expert here if you bring an expert here, and they can discuss a schedule—which you have left open in your protocol, which is realistic because it depends partly on our effort and partly on your effort and facilities. We will be prepared to give you maps and so forth afterward.

[Mr. Loi gets up and confers with Tho over Tho's shoulder. Mr. Negroponte speaks with Dr. Kissinger over Dr. Kissinger's shoulder.]

Le Duc Tho: These two are looking for trouble!

Dr. Kissinger: I think the ambition of your assistant is to get a medal for having achieved final victory by means of translating. [Loi laughs.] The Special Advisor just missed one of my best remarks. They will put up a statue to him in the park along the lake in Hanoi. [Laughter]

Le Duc Tho: And on the statue it will be inscribed the amendments he brought to the agreement. [Laughter]

Let me express my views. The two first sentences, we will solve this question along with the signing of the agreement.

Dr. Kissinger: I agree.

Le Duc Tho: We would like to write: "The Government of the Democratic Republic of Vietnam, with the concurrence of the Provisional Revolutionary Government," instead of "acting in concert with."

Dr. Kissinger: We will settle it together with the signing. But that is tentatively all right.

Le Duc Tho: From Article 5 downwards, wherever there is mention of the Government of the Republic of Vietnam I have the following views: Here are my views. In the agreement the mention of the name of the PRG has appeared in the Preamble but in other places there is no such mention. On the other hand the name of the Government of the Republic of Vietnam has been mentioned in nine places of the agreement.

Dr. Kissinger: I think Madame Binh spends her evenings reading it to you.

Le Duc Tho: Therefore the reader of the agreement will think that the PRG has been eliminated from the text of the agreement, and it is something inadequate. Therefore I think that if the Government of the Republic of Vietnam is mentioned it should be mentioned in the Preamble and in Article 3(a). In the other places there will be referred to the mention in Article 3(a), and if this is done then we would propose to mention the PRG is only one place, in the Preamble and [not] in Article 17(a). If you agree to drop them we would accept to have the name of the PRG mentioned in the Preamble and . . .

Dr. Kissinger: And drop it in Article 17(a).

Le Duc Tho: We will drop in Article 17(a). Otherwise we will insist in putting the PRG in Article 17(a).

Dr. Kissinger: Yes, after we have agreed on something . . . I admire the Special Advisor's tactics.

Le Duc Tho: I did not see it previously. It is Mr. Loi who pointed it out to me. Just like the word "civilian," it must have been invented by Ambassador Sullivan.

Le Duc Tho: As to Dr. Kissinger and myself, we did not see that. We see only the major things.

Dr. Kissinger: Like abolishing the DMZ. [Laughter]

Le Duc Tho: But on that I agreed with you previously but was disagreed afterward by my government.

Dr. Kissinger: I think after this, the Special Advisor and I, when we are both without a job, can give demonstrations of the diplomacy of stalemate. I admire the Special Advisor. We agree on something; it is considered a great concession; then he comes in throwing smoke bombs. It is a great exercise. Then in order to get back to the original agreement I have to give up nine references to the Republic of Vietnam.

Le Duc Tho: I will drop the mention of the PRG in Article 17(a). But there will be one place where there is mention of the Government of the Republic of Vietnam, in Article 3(a).

Dr. Kissinger: I am sure not in a favorable manner.

Le Duc Tho: But you should realize this situation.

Dr. Kissinger: But simply for the record, let us understand what the situation is. The situation was last week that we agreed that the PRG—at first we took the position that it shouldn't be mentioned at all. Then you said that it would be considered good will if we put it into the Preamble as the only place. We then agreed to put it into the Preamble and if I remember correctly we got ten days off the Laos ceasefire in return. [Tho laughs] Then in the guise of an experts' meeting on language, in which they were suppose to conform language and not substance, the word PRG suddenly reappeared in Chapter VI. It is an extraordinary method of negotiation, and only my personal affection for the Special Advisor prevents the confidence from being destroyed.

Le Duc Tho: Our experts when they read the agreement they realized that there is many places where the Government of the Republic of Vietnam is mentioned and there is no place where the PRG is mentioned.

Dr. Kissinger: But that was by design; that was not by accident.

Le Duc Tho: We propose now that you reduce the places where the Government of the Republic of Vietnam is mentioned, then we will drop the mention of the PRG in 17(a).

Dr. Kissinger: Maybe the Special Advisor gives me five days in Laos for this?

Le Duc Tho: We will discuss this later when we discuss the understandings. Let me sum up. I agree to mention the PRG only in the Preamble and so the mention of the Government of the Republic of Vietnam should be reduced, only in the Preamble and in Article 3(a), because . . .

Dr. Kissinger: But you would like it in the signature too, wouldn't you?

Le Duc Tho: Our experts when they read the agreement see there are many places when the GVN is mentioned, when the PRG is not mentioned at all. This is conforming to the reality, which I have expounded to you many times, that in South Vietnam there are two administrations, two armies and two different regions, and you have agreed with me on that.

Dr. Kissinger: The Special Advisor's ability to take phrases of mine out of the whole context of the discussion is extraordinary. But in order to make progress let me say this is another point I have not had a chance to present to Washington. Since I will go back I will tentatively accept this and confirm it to you by message when you return to Hanoi.

Le Duc Tho: Agreed.

Dr. Kissinger: All right. That I assume means you restore Article 7 as it was. That is one of the smoke bombs. That is not an expert's point.

Le Duc Tho: I think that the word "destroyed" has no meaning because the war is now ended. And the war material will be either damaged, worn out or used up. There is no meaning of armament or munitions or material destroyed after this time.

Dr. Kissinger: If there is an airplane crash or a jeep crash, it will be destroyed.

Le Duc Tho: Then it will be damaged.

Dr. Kissinger: Well.

Le Duc Tho: Because if you put "destroyed" here it may look that they were destroyed before the ceasefire during the tensions of war and there will be permitted the unlimited introduction of armaments.

Dr. Kissinger: How about "damaged" before it? It is true of that.

Le Duc Tho: Damaged after the ceasefire. There is "damaged, worn out, and used up."

Dr. Kissinger: Besides it says "from the enforcement of the ceasefire to the formation of the government" that these things will happen. But I have two points. One is substantive and one is procedural. The procedural point is that we agreed on this a few weeks ago. The Special Advisor reconfirmed it at least twice during the last weeks when he read all the things he agreed upon that he was not challenging out of his great generosity. And now it is reintroduced as a linguistic point. If the Special Advisor would like a substantive discussion on the metaphysics of the difference between "damaged" and "destroyed," whether it is possible to destroy something without damaging it, I am sure we can have a fascinating few hours. But I have to return to Washington.

Do you really think I can explain this discussion to the President? Both as to procedure and as to substance?

Le Duc Tho: The agreement is now under discussion. We had agreed with you on a former agreement but since you brought many changes to the agreement so we have also brought some changes to the agreement. [Kissinger laughs] Moreover, we are not clear yet in the intention when you propose to put the word “destroy.” Therefore our experts raise this question. Therefore, I discuss with you.

Dr. Kissinger: I think your experts have a serious attitude, but not good will. The point is, Mr. Special Advisor, we have gone over this now many, many times, and every day you tell us again since we raise many points you are entitled to raise many points. And with this speech on both sides we can then continue to meet for at least another year.

Last week, when I was still under the illusion your side wanted a rapid agreement, you listed nine outstanding issues on which you had agreed with us two weeks ago, three weeks ago.

Le Duc Tho: You have not been disillusioned with us.

Dr. Kissinger: I disagree. I have been. I no longer believe you want a rapid settlement. But let me finish. You then said of those nine issues, five of them you would not raise again, including this one. Of the remaining four you sold us two—three times—and we conceded you. Of the other two we conceded you one on Article 1, and you have been disavowed by your government on the other one. So now you are raising again in the form of the interesting metaphysical question of the difference between “damaged” and “destroyed,” the issue of one of the five which we considered settled three weeks ago and confirmed last week, and which has never been raised either by your experts or by yourself since.

Le Duc Tho: As a matter of fact I have more. But our experts think that this word is not conforming to reality, so I have raised this word. Just like you, sometimes you raise some word for discussion.

Dr. Kissinger: I have not raised any new issue for a week. It is one of the Special Advisor’s great achievements he has kept me so busy fighting off his attacks that I haven’t been able to make any of my own. Besides, my experts are not permitted to reflect about the nature of reality. They might come to conclusions that would be hard for them to bear.

Le Duc Tho: So if we review our recent discussions on the text of the agreement, you can say that you have launched an offensive and I am launching an offensive to defend. So in this article on replacement of armament you have proposed to add two more words. I have conceded on the word “used up” for the word “destroyed.”

Dr. Kissinger: Just a minute.

Le Duc Tho: But the word “destroyed,” because after the ceasefire there is no destruction.

Dr. Kissinger: Well, in that case what is the problem?

Le Duc Tho: Because if we put “destroyed” here it can be misinterpreted and think that destroy before the ceasefire.

Dr. Kissinger: No, because it says “after the ceasefire” in the same paragraph. In the same sentence.

Le Duc Tho: But since after the ceasefire there is no destruction, this word does not apply to the period after the ceasefire.

Dr. Kissinger: First of all, in 1954 you signed such an agreement and I don’t know why you should want to attack the Minister on one of his proudest achievements. [Tho laughs] Ambassador Porter would never do this to the Minister. Secondly, Mr. Special Advisor, if this were the first day of our discussion, November 20, which was when we settled this for the first time, many things you are saying would be extremely fascinating and very important. It isn’t that today I am asking for two words and because of your good will you are granting us one. It is that three weeks ago we agreed on these two words. They were specifically confirmed a week ago. They were not challenged at two previous experts meetings, and at this morning’s experts meeting, on the last day, which was only to check the changes we agreed on yesterday in which this article wasn’t even supposed to be discussed, you introduced a new modification.

Le Duc Tho: As a matter of fact I have agreed with you on that word but in the course of our discussions both of us raise questions, withdraw it, raise it again. Both of us have done so. Let’s discuss whether the maintenance of this word is correct or not, and we should not say that we have changed our stand and so forth, because it is in the course of discussions.

Dr. Kissinger: This way discussion is endless. On Saturday the Special Advisor said at that time he only had one outstanding issue. He said except for the one outstanding issue we would not raise any other issues. So yesterday the one issue became two issues. So now today you raise another issue. I have refrained from raising any other issues but I have to prove to my staff that I am only half as intelligent as the Special Advisor and not totally unintelligent. Therefore I must raise a few issues too now. We would like to put in the word “stolen” for example. [Tho laughs] Or “sold on the black market.”

Le Duc Tho: Actually I have agreed with you on that word but I did not see the problem here. Our experts find out the problem, and I agree with them that the maintenance of this word is absurd because after the end of the war there is no destruction.

Dr. Kissinger: My experts point out that in the demobilization provision, we don’t say where the soldiers should go after the demobili-

zation. They will be totally confused. They will be demobilized without any sense of direction. They won't know whether to go north or south!

Le Duc Tho: When they are demobilized they will choose the direction themselves. Because a man never loses his orientation.

Dr. Kissinger: That is what we want just to make sure! So if we are going to go through the whole text again from that point of view, there are many interesting questions that my experts pointed out today.

I must say it is a rather interesting way to take up the last day of our discussions. But we can reserve on this issue too and consider it unsettled.

Le Duc Tho: It is up to you, but the word "destroyed" mentioned in this place is absurd, of no significance at all.

Dr. Kissinger: It was mentioned in the 1954 agreement. Was it absurd then?

Le Duc Tho: But we should not repeat the mistake committed previously.

Dr. Kissinger: What you are convincing us of, Mr. Special Advisor, is that no agreement with you is worth making, because either you will break it two days later or your experts will point out to you some way of evading it. So we can have some interesting discussions here and a week later you will tell me some expert in Hanoi pointed out another loophole in it. So this way nothing gets done. So therefore there is no more significance in anything we agree to. The only point of the experts meetings today was to make sure what we agreed to yesterday was correctly interpreted in the document. There was no intention whatever of raising new issues.

Le Duc Tho: In the course of discussions I can raise this question again. If you disagree, I can leave it aside for the time being.

Dr. Kissinger: It is up to you, but then everybody will raise every issue again. And then we just both realize that we are free to raise every issue again. And then we realize what we said on Saturday has no meaning. That is all right with me. I am criticized enough for what I have already settled.

Le Duc Tho: This word here has no significance at all, because after the war there is no destruction.

Dr. Kissinger: Well, then why raise it?

Le Duc Tho: Because this will give way to misapprehension. Because after the war is ended, the three words "damaged, worn out and used up" is sufficient.

Dr. Kissinger: That was a fascinating point to be made three weeks ago. In fact three weeks ago the Special Advisor accepted the word "destroyed" but not "used up" with the same argument. Then he

accepted both. We reported that. He confirmed his acceptance. We reported that. On Saturday we reported that everything of the text was now agreed except the DMZ point. Yesterday we reported that everything in the text was agreed, even word for word, except two issues. Now we are back to 17 issues on the last day of our discussion. After an hour and a half of discussions we have reached Article 7 of something that had been already agreed upon. It will not be easy to convince my associates that there exists a sincere good will to come to a rapid conclusion. But we can reopen that issue and we reserve the right to reopen other issues. And we can leave it open.

Le Duc Tho: Both sides have accepted the other day that there was only one major question left, but as to the details there are many things that remain unsolved. Moreover, the understandings associated with the agreement, if the understandings have not been completed yet, we cannot say that the agreement is completed. Even so for the protocols too. So I propose to leave aside this word and we will examine it later.

Dr. Kissinger: It is all right with me.

Le Duc Tho: Now Article 8(c).

Dr. Kissinger: We will have a lot of messages to exchange. Oh, good, the daily discussion of 8(c).

Le Duc Tho: So regarding 8(c) we propose to put two months, because during your discussions with Minister Xuan Thuy you said it can be reduced from three to two months.

Dr. Kissinger: I never said anything of the kind.

Le Duc Tho: From the record there is such a statement.

Dr. Kissinger: I am sure you can find the word here and there.

Mr. Phuon: [Reading] "If you like we can reduce this period from three months to two months."

Dr. Kissinger: Mr. Special Advisor, we don't even know what this period referred to. This might have been the time at which I can go elephant hunting on the Ho Chi Minh Trail. The fact of the matter is that during our discussions of this article there were many exploratory ideas advanced in various contexts. We left the text with you which included three months for many reasons which we explained to you. And you then accepted it. You sent a unilateral declaration with it which we never acknowledged in our list of unilateral declarations. Now that is the legislative history.

[To Mr. Rodman:] Now where are my quotes on this? [Dr. Kissinger looks over excerpts from records of October 17.] I just wanted to read what our record shows. It is somewhat less precise than yours. Your notetaker is always very precise on our obligations and very vague on yours. So we can't accept that change.

Le Duc Tho: So this is our proposal. We propose to put it in two months, but you wanted to put in three months. So now we will leave it at three months, but only if you maintain your pledge to us.

Dr. Kissinger: We will discuss that when we get to the understandings. But I understand what you are saying.

Le Duc Tho: So we will discuss it further when we discuss the understandings.

Dr. Kissinger: All right.

Le Duc Tho: Now the word “don doc.” We stick to it. From the very beginning we have maintained this word. As regards this chapter, we have made very great effort. It is the task of the Council and the word “don doc” is conforming to its task.

Dr. Kissinger: Its task has to be agreed to before we can conform it to its task. I have looked over the legislative record on this and now I know what has happened. What happened was you began with “oversee,” with “direct.” You started out on October 8 with the word “direct.”

Le Duc Tho: “Oversee,” to “direct,” to “supervise.” All three.

Dr. Kissinger: We said we couldn’t accept any of them and therefore proposed the word “promote.” You accepted the word “promote” but you kept your Vietnamese translation of what you proposed in the first place. So you changed the English word but you did not change the Vietnamese word, and since at that time my knowledge of Vietnamese was not yet perfect [Vietnamese laugh], I did not realize the maneuver that was being engaged in. So you were negotiating with us about English words. That is our recollection and what our record proves happened.

Le Duc Tho: You proposed four English words, either “promote,” “oversee,” “see to” or “encourage.” We disagreed to the word “encourage” and said one of these three, you can use any word. Because the Council shall operate on consultations and unanimity. If now they have to “encourage” other bodies, then it will sleep.

Mr. Engel [to Dr. Kissinger]: The proper translation of “promote” is your favorite, “khuyen khich.”

Mr. Thach: No, we have used the word “promote,” “oversee” or “see to.”

Dr. Kissinger: And then we decided on the word “promote.”

Le Duc Tho: From the very beginning in the Vietnamese text we used the word “don doc” and we always object to the word to “encourage,” the word “khuyen khich.”

Dr. Kissinger: The trouble is we are conducting two negotiations, the one the English text and the other Vietnamese text. I think your

tactic is to be very generous to us on the English text and never change the Vietnamese text. [Laughter]

Le Duc Tho: But your intention is to deprive the Council of National Reconciliation of its authority. If so, then you can delete the whole chapter.

Dr. Kissinger: I accept. I accept that proposal. [Laughter] Did you write that down? Our record said you said I can delete the chapter.

Le Duc Tho: You can keep the chapter but the chapter becomes empty.

Dr. Kissinger: The Special Advisor knows I wouldn't do something like that to a chapter so dear to my heart.

Le Duc Tho: You have reduced the significance of this chapter a great deal.

Dr. Kissinger: But I would like to point out to the Special Advisor we are talking about two slightly different problems. The Special Advisor says I would like to deprive the Council of authority. That is not correct. I would like to establish what authority the Council has. Before we can deprive it of something, it has to possess it.

So why don't we put this issue aside?

Le Duc Tho: Now Article 13.

Dr. Kissinger: Article 13. I thought we had that settled long ago. Just a minute, before we get to it we also don't accept [in Article 12(b)] "and its attached protocols." Particularly since we have seen the protocols.

Le Duc Tho: But the protocols after they have been signed.

Dr. Kissinger: I understand, but we don't accept it. But we might reconsider it after we have seen the finished texts. But we dropped the words "maintenance of the ceasefire" and "preservation of peace" and we cannot accept the phrase "and its attached protocols."

Le Duc Tho: You can drop the word "and its attached protocols" but I understand that the agreement includes the text of the agreement and all associated documents of the Paris Conference on Vietnam.

Dr. Kissinger: Each side is entitled to its own understanding.

Le Duc Tho: But if the agreement is understood as each side likes then the agreement will be undermined.

Dr. Kissinger: No, not the agreement. We do not accept the competence of the Council in the ceasefire operation. And we made that clear and we had deleted it from the text.

Le Duc Tho: So I propose to write again "this agreement and the attached protocol."

Dr. Kissinger: As a concession for which I have to change Article 8(c) to two months. I don't want to take advantage of the Special Advisor. He might look bad.

Le Duc Tho: It is clearer if we put “this agreement and the attached protocols.”

Dr. Kissinger: Except that we agreed—this is another one of those examples that undermine our confidence. Three weeks ago we dropped the words “supervision of the ceasefire” from Article 12(b). Now you are reintroducing it by protocols that have never been defined in Chapter VI or anywhere else.

Le Duc Tho: I think that the agreement and the attached protocols are signed properly. There is no problem at all.

Dr. Kissinger: There is the problem that we have never accepted the competence of the National Council to supervise the ceasefire. That is what the Two-Party and Four-Party Commissions do. When we drafted it, if we had wanted this we would have put it into Chapter VI. When we drafted in October, when we went over it recently, there is no mention of the Council in the Chapter VI provision. It was therefore improper to introduce it into the protocols. It is improper to introduce it here especially after you had agreed to the deletion of the sentence.

Le Duc Tho: The implementation of the agreement is among the tasks of the Council, and the protocols are part of the agreement.

Dr. Kissinger: Not the implementation, but to promote the implementation by the parties.

Le Duc Tho: “Don doc” is also not direct implementation by the Council. “Don doc” is not direct.

Dr. Kissinger: Is not direct. Well that makes much more . . .

Le Duc Tho: Except “don doc” is indirect implementation.

Dr. Kissinger: That makes my point. I am glad the Special Advisor agrees with me on something.

Mr. Engel: I think there is something wrong with their interpretation.

Le Duc Tho: “Don doc” means the two parties implement the agreement; the Council will push them, inquire of them, ask them, to recall them to implement the agreement.

Dr. Kissinger: By unanimity, in a spirit of national conciliation.

Le Duc Tho: Even after the unanimous decision of the Council, the word “don doc” does not mean force the parties to implement.

Dr. Kissinger: I am forming the impression, Mr. Special Advisor, after our discussion, that if we finish today without completing the agreement your life will not be unfulfilled. But I may be wrong. We had reduced the issues to one on Saturday.

Le Duc Tho: When we finish the agreements then we will discuss this further.

Dr. Kissinger: All right.

Le Duc Tho: Article 13. Mention of Article 13 in Article 17 regarding the . . .

Dr. Kissinger: I still don't know. Are you taking your friend [Mr. Loi] home with you? He has done more damage in one day than the Vice Minister in three weeks. [Laughter]

Le Duc Tho: Mention of Article 13 in Article 17.

Dr. Kissinger: Yes, Mr. Special Advisor, what is your proposal? The only consolation I have out of these sessions is that I will see the Special Advisor often and at great length over the months and years to come.

Le Duc Tho: We will meet soon.

Dr. Kissinger: What is the Special Advisor's proposal?

Le Duc Tho: I have to ask my experts because at some times I don't remember the place. Regarding the tasks of the Two-Party Joint Military Commission, the mention of Article 13 in this Article 17.

Dr. Kissinger: Yes.

Le Duc Tho: The description of Article 13 we propose to write as follows: "Article 13 regarding the question of Vietnamese armed forces in South Vietnam." In your proposal of November 20 it is the description you have given us.

Dr. Kissinger: So it is a concession for us.

Le Duc Tho: Now you want to rephrase this description.

Dr. Kissinger: Your expert is saving us from ourselves. He is a man of true objectivity.

Le Duc Tho: Now you propose to write "Article 13 regarding the reduction of the military effectives of the two South Vietnamese parties and the demobilization of troops being reduced." I propose to write this article as it was: "Article 13 regarding the question of Vietnamese armed forces in South Vietnam."

Dr. Kissinger: Are you willing to do this under Article 18 also? I think the Special Advisor keeps discussing this chapter because it is his favorite chapter and he can't part with it.

Le Duc Tho: I am fed up with this chapter. [Laughter] I will immediately forget this chapter after our negotiations end.

Dr. Kissinger: That I believe! But you will strictly implement it?

Le Duc Tho: Other of my people will strictly implement the chapter but I myself will forget it. I will forget it. It does not mean I will not implement it. So you have described this Article 13 on December 10. Now I maintain your description of that phrase. So you have raised new questions. On December 10 you wrote "Article 13 regarding the question of Vietnamese armed forces in South Vietnam."

Dr. Kissinger: Do you have a computer to feed my sentence into and then if it is a half sentence you like to pull it out and make a thing of it? Since I always assume, based on long experience with the Special

Advisor, that he never does anything without a reason—even though that reason may not be immediately obvious to slow minds like mine—could I find out whether the description in Article 18 is the same as in Article 17, and if it is different, can I understand the reason for it?

Can we tell the press today that you made a superhuman effort to come to a rapid conclusion?

Le Duc Tho: I agree with you now. About the description of Article 13 in Article 17, I agree to your description.

Dr. Kissinger: But which version of me do you agree with? [Laughter] We leave it as it is.

Le Duc Tho: I agree to your amendment. [Laughter]

Dr. Kissinger: What is my amendment? [Laughter] I am afraid you are writing in here now your version of Article 8(c). [Tho laughs] May I point out something—you haven't raised Article 5 for thirty minutes. The pain is subsiding. You should put the needle in again.

Will you read to me what it is you have agreed to, Mr. Special Advisor, or will your expert read to me, or the interpreter, or the Minister? If we could just hear the correct phrase. [Mr. Loi gets up] May I make a proposal that he stay out of this discussion? Every time we are beginning to make progress he comes in. I move that everybody stay in his seat [as Mr. Thach gets up and joins Loi standing behind Le Duc Tho]. You don't see my experts jumping around. [Laughter]

Le Duc Tho: And it tires me too. I agree to your wordings.

Dr. Kissinger: Return them to their native places! That is my advice—return to their native places.

Mr. Phuong: "Article 13 regarding the reduction of the military effectives of the two South Vietnamese parties and the demobilization of troops being reduced."

Dr. Kissinger: Thank you, Mr. Special Advisor.

Le Duc Tho: Now they have returned to their native places [as Loi and Thach sit down].

Dr. Kissinger: Is it the same in Article 18, or are you putting a little zinger there too? Are we agreed?

Le Duc Tho: We will delete the word—that will be agreed.

Dr. Kissinger: Okay, fine. I understand. To sum up, the description of Article 13 in Articles 17 and 18 is the same, and it is as the Vice Minister read so eloquently. [Mr. Loi gets up again.] You are taking unilateral action?

Le Duc Tho: They should bring him to his native place! [Laughter]

Dr. Kissinger: Can we sign an agreement that he will demobilized and return to his native place?

Le Duc Tho: And he will not come up the Ho Chi Minh Trail?

Similar article.

Dr. Kissinger: Not similar—identical.

Mr. Phuong: Identical.

Dr. Kissinger: We are making great progress. We are now back to where we were yesterday. We have lost only two words in the process. Now, shall we continue? Now we are in Chapter VII.

Le Duc Tho: Regarding 20(a), yesterday I agreed with you on the word “se” [“will”] and today our experts reviewed it and they think that the word “se” is not correct because if you put “se” it means in the futurity. But the Geneva Agreement signed in 1954 and 1962 said it; therefore, it has been respected, therefore we propose it to be “strictly respect.” And if we put the Vietnamese word “se” people would think that in the past they were not respected. [Kissinger and Sullivan laugh]

Dr. Kissinger: I don’t see how they could get that idea.

Le Duc Tho: In Vietnamese language.

Dr. Kissinger: I mean, considering the Ho Minh Trail, they couldn’t possibly get that idea. My worry is I am haunted by the 316th Division and I am afraid that if he reads it without “shall” the division commander may think when he is marching on Long Tieng he is observing the 1962 Agreement. I don’t want to confuse him and make him think that what he is doing is respecting Laotian neutrality. It is a sign of good will.

Le Duc Tho: But you refer to the offensive on Long Tieng and the Ho Chi Minh Trail. But these things have their historical circumstances.

Dr. Kissinger: Yes.

Le Duc Tho: So you should not refer to these things because if so I would debate with you the whole day.

Dr. Kissinger: Well, I enjoy that.

Le Duc Tho: If you like it, then I am prepared to do that.

Dr. Kissinger: But if this agreement has any significance it must be that both of us agree to do something different from what we have done before. If we are going to continue to observe the 1962 agreements in 1972 the way we did in 1971, it is not something that is worth making an agreement about.

Le Duc Tho: The Geneva Agreements of 1954 and 1962 we respect. We put “strictly respect” which means the past we respect, and at present, and in the future; all of the time these agreements are respected. If you put “se” it means that now they are not respected but in the future they are respected.

Dr. Kissinger: Yes, but in the first place I wonder how the Special Advisor could ever have agreed to it as it is so self-evident. Secondly, when we explain this to the American public we have to explain that

something is happening now that means a turn towards peace in Indochina. The American public may be mistakenly under the impression that there is not peace in Indochina now. So if we say that we will do under this agreement what we have been doing for the past ten years, we don't need an agreement.

Le Duc Tho: The Geneva Agreements of 1954 and 1962 have existed. If we put "strictly respect" it means in Vietnamese that in the past we respected, the present we are respecting them, and in the future we will be respecting them.

Dr. Kissinger: Yes, but this is what creates a certain uneasiness in America. Because there are tens of thousands of your demobilized soldiers who chose to go to Laos and Cambodia and form themselves into units there!

Le Duc Tho: Regarding Cambodia and Laos we should read the whole chapter. It reflects adequately the situation. And with the understanding given you, it is for you adequate. If you put in the Vietnamese text the word "se", it will give rise to many misinterpretations.

Dr. Kissinger: Well how about "agree to"? That can give no rise to any misinterpretation. [Xuan Thuy confers with Tho.]

Now the Minister is intervening. He will cause me trouble.

Le Duc Tho: Let me think one moment.

Xuan Thuy: I am constructive. You will see it.

Dr. Kissinger: Only it will cost me Articles 8(c) and 5. [Dr. Kissinger leaves room; returns in a moment.] What happened?

Le Duc Tho: Objective necessity. We will have a break, for objective reasons.

Dr. Kissinger: But I thought we would hear an historic event, a constructive thing this morning.

[The group got up from the table. Discussion continued around the table on the subject of the proper Vietnamese word for "shall:"]

Mr. Thach: The Vietnamese word "se" means future.

Dr. Kissinger: In English, "shall" expresses an obligation. I don't care whether it is "shall," but it has to express a new obligation agreed to. If you say "agree to," "reaffirm," anything that is neutral. Why don't you say "agree to"? "Must"?

Ambassador Sullivan: In French we would say "doit."

Le Duc Tho: "Doit." [Nods affirmatively.]

Ambassador Sullivan: What is "doit" in Vietnamese?

Mr. Thach: "Phai."

Mr. Engel [to Dr. Kissinger]: That means "must."

Dr. Kissinger: That's fine.

Mr. Thach: Agreed. D'accord.

Dr. Kissinger: Why don't we eat together? Here. [They agree] Good.

[The group then left the table, at 12:45 p.m. Dr. Kissinger and Le Duc Tho went to the other room to confer privately. Their lunch was later served to them separately there, as their private conversation was prolonged. The rest of the group ate together in the meeting room.]

[The meeting reconvened at 2:30 p.m.]

Dr. Kissinger: Is the Vice Minister going to spring his prisoners paper on us before the meeting is over?

Minister Thach: The protocol is not ready yet.

Dr. Kissinger: It must be something pretty . . .

Minister Thach: But they will be dealing with missing in action.

Dr. Kissinger: We also want to know what it says about the prisoners.

Minister Thach: Yes.

Dr. Kissinger: We were already at Article 20 of the agreement, and we either agreed on something just before, or I wasn't sure. As I understand it, we agreed to say "phai". Now don't try to slip another word in on me, because I like "phai." And then the rest of the text is the same. Because I think Mr. Loi had some other pleasant thought, which we are rejecting.

Le Duc Tho: In the main it is the same, but Mr. Loi brought another change. The writings make it shorter, simpler, because there is a repetition here. So I will hand you the Article (a) and you will consider it, and we will change it later because the substance is the same.

Dr. Kissinger: Let me hear it. It would be the first time Mr. Loi has done something that kept the substance the same. I would think that is his intention. Could I just hear it?

Mr. Phuong [reading]: "The parties participating in the Paris Conference on Vietnam shall strictly respect the 1954 Geneva Agreements on Cambodia and the 1962 Geneva Agreements on Laos which recognize the Cambodian and Lao peoples' fundamental rights, i.e., the independence, sovereignty, unity and territorial integrity of these countries. The parties shall respect the neutrality of Cambodia and Laos."

Dr. Kissinger: Since I have some experience with Mr. Loi, could he explain to us, or the Special Advisor explain to us, the purpose of this change? Or will I find it inscribed on his statue when I arrive in Hanoi?

Le Duc Tho: The simple reason for this proposal is to make the provisions shorter and to avoid repetition of the words "strictly respect the agreement," etc. Moreover our allies have been reading this provision and they have the impression that the provision has been changed many times.

Dr. Kissinger: So you want to change it one more time to give them a greater sense of insecurity. [Le Duc Tho laughs]

Le Duc Tho: To assure them only.

Dr. Kissinger: I see the theory—your allies complain about a change so you say, “Right, we will make another change.”

Le Duc Tho: So I just propose this formulation. Please consider it and we decide it later. Now let us go to another question. Please read the formulation you propose.

Dr. Kissinger: Yes, we will read it. [To Ambassador Porter: I won’t accept it. It’s just too much.] All right, you want to discuss it later.

Le Duc Tho: I propose that the experts and Minister Xuan Thuy and Ambassadors Sullivan and Porter will exchange on the formulation of this provision.

Dr. Kissinger: Because we have the same problem of having discussed it with our allies, and every time we say that something has been changed and clarified, if we come with another change it raises doubts.

Le Duc Tho: At the time the provision is under discussion it is different, it is not yet published.

Dr. Kissinger: If it isn’t published, what is your problem with your allies?

Le Duc Tho: But it has been published later, on October 26. So it was published, the whole chapter on Cambodia and Laos. With regard to our allies, the Cambodian allies, they did not agree completely with the provision as we agreed on October 26.

Dr. Kissinger: But first of all it is not self-evident to me that we should pay you for something you shouldn’t have done to begin with. Secondly, I remember the eloquent speech the Special Advisor made last week in which he listed all the changes he made and which he was maintaining, and which we in Washington therefore believed had been accepted, reinforced by the fact that on Saturday he said only one issue remained to settle. Now we find that the fact that it was changed was objectionable, and he goes back more or less to the original. So I just don’t want the Minister’s hopes to be too high that Ambassador Porter will settle that issue with him tomorrow. [Tho and Xuan Thuy laugh.]

But I must say we are doing very well. On Saturday we had one issue, yesterday we had two, and now we have eight. So it is just as well that we are separating for a bit.

Le Duc Tho: I had said that we will stick to the text of the agreement provided that no changes are brought into the agreement.

Dr. Kissinger: But that was three weeks ago. That was another speech.

Le Duc Tho: Now that you have brought about the changes, we have done the same, and in the course of discussion you raise a new change, you withdraw another. We do the same. We bring about changes and we withdraw. And on other points I did not see them myself but it was brought about by my experts. So we have been impeded by our saboteurs too.

Dr. Kissinger: So when the Special Advisor makes a big effort and I make a big effort, then Mr. Loi makes a big effort which takes away from your big effort. So I have no expert with the same subtlety. So there you have the advantage.

Le Duc Tho: It is not true. Because your experts sometime they do raise very harsh questions. I think it is not a major question.

Dr. Kissinger: And we will not agree to it. But Ambassador Porter will communicate this separately to the Minister. And by that time you will have taken Mr. Loi. He is leaving, isn't he? Will he be in Hanoi? I don't want to have to deal with him if I come to Hanoi. [Laughter]

Le Duc Tho: When you go to Hanoi the text of the agreement is completed.

Dr. Kissinger: No, you will tell me that your experts have been studying it and have found many loopholes. Like that the United States shouldn't be mentioned in the text.

Le Duc Tho: But when you propose to come to us on November 20 yet you figure out too many loopholes.

Dr. Kissinger: We believe this too, but is there ever going to be an end to this process, or will Mr. Loi be able to raise constant subtleties?

Le Duc Tho: Everything has its end, and the subtleties of Mr. Loi will come to an end too.

Dr. Kissinger: I just wanted to point out to you this is another chapter we have communicated to the President as being settled, on three different occasions.

Le Duc Tho: We propose this to avoid repetition only, but we can discuss and come to an agreement.

Dr. Kissinger: We are willing to pay the price of complex language to stick with what we have agreed to. We are willing to pay the price of a certain inelegance of formulation to stick to what we have agreed to and have reported to Washington.

Le Duc Tho: There is no problem. Let us have another exchange of view.

Dr. Kissinger: Okay, it won't lead to any other result, but we will have another exchange of views. Now, what would the Special Advisor like to discuss? I think we should discuss the protocols.

Le Duc Tho: But there still remain a number of understandings we have not yet completely discussed them. You have raised to us the question of Laos. We have raised the question of civilian personnel.

Dr. Kissinger: Article 5 has been raised again. I just want to point out that the Special Advisor hasn't let me down.

Le Duc Tho: The understanding, rather your engagement regarding Article 8(c) I have handed to you. Regarding the contribution of the United States to the healings of the war wounds. We handed to you our understandings on Laos and your understanding on the U.S. contribution to healing the wounds of war. Now we also take note of your pledge regarding the massacre of Vietnamese personnel, military as well as civilian, captured and detained in South Vietnam; I gave it to you yesterday. And regarding the U.S. aircraft carriers, on October 11, 1972 you mentioned about the stationing of the aircraft carriers 300 miles off the coast of Vietnam, and now you want to make it "North Vietnam."

I just raise these understandings for memory to recall you on them, and we leave the discussions of these understandings to Ambassadors Porter and Sullivan and Minister Xuan Thuy.

Dr. Kissinger: Yes, that is a good idea. Ambassador Sullivan had just thanked me for it. He thinks it is a sign of good will on my part that I entrust this to him. Ambassador Porter thanked me yesterday evening.

Le Duc Tho: I would like to speak now about the question of Laos. Yesterday you said that we sacrifice the interests of a small country, to the detriment of the interests of a small country, in the interests of a bigger country. It is not true. We never do that.

Dr. Kissinger: I did not say that either.

Le Duc Tho: They are our allies. We have been fighting with them in a common battlefield of Indonesia—of Indochina. [Interpreter's error]

Dr. Kissinger: Indonesia—that is the next war. In December 1975.

Le Duc Tho: Let me finish. We have exchanged the views with them and agree with them. We are discussing this question with you. So I heard you say so yesterday; now we would like to make a denial.

Dr. Kissinger: I have never accused the Special Advisor of sacrificing the interests of a small country for a larger country. And I think the computer into which you feed my comments to pick things out of context malfunctioned on that occasion. What I said was you offered us five days in a small country for six months in South Vietnam. I was complimenting the Special Advisor on his buffalo trading. But I want to say again what I have tried to say repeatedly to the Special Advisor.

Le Duc Tho: I am imitating Mr. Special Advisor.

Dr. Kissinger: No, no, you are an original, Mr. Special Advisor. You are much too modest. What I have been trying to tell the Special Advisor is, it is obviously important that when one negotiates one bargains hard. But there also comes a point where one sacrifices so much good will in the long run that whatever marginal gains one

makes are no longer worth it. I cannot exaggerate the impatience that is felt in Washington at what we have experienced here. You take the case of Laos: it is no special favor to us whether you do it in 20 days or 10 days. But it ought to be in our common interest to end military activities in Indochina as quickly as humanly possible. We accepted the argument in October that the Laotian parties, having just met, could not settle very quickly, and therefore we agreed to the 30 days, though the Special Advisor added an oral statement that it could be much quicker. With the time that has been spent on these negotiations—indeed I would say wasted—in these last days, there is no longer any understandable reason why the time for the ceasefire in Laos could not be condensed. But there is no implication intended that the Special Advisor is sacrificing the interests of a small country for a larger country. In fact I haven't noticed the Special Advisor sacrificing anything in the last ten days. [Tho laughs] Except an enormous amount of American good will.

Le Duc Tho: Because our effort has come to its limits. It is not quite true what you said. We have made a great deal of effort.

Dr. Kissinger: But in what direction?

Le Duc Tho: In the direction of peace, of course. Seriously speaking, we are making efforts towards this direction of peace.

Dr. Kissinger: Well, then we have a great communications problem between Hanoi and Washington.

Let me say one other thing about the understandings, that should be clear. There are some understandings that are common understandings. There are others that are unilateral statements. For example, we intend to say that we do not recognize the PRG and that signing a document that mentions it implies no act of recognition. Of course you are free to join us in that statement and make it a mutual understanding. [Laughter] But in the unlikely event that we will not be able to agree on making it a mutual understanding, we will hand it to you as a unilateral United States statement. We told you that. And there may be one or two other unilateral statements of that nature. You don't have to agree to them. And then there are some others that are mutual understandings, including those you have listed.

Except the one on massacres. You can't very well expect us to make a mutual understanding respecting massacres by our allies—alleged massacres by our allies. [Tho laughs]

Le Duc Tho: What we want is to take note of your statement at one of our last meetings that you want to stop the massacre of Vietnamese civilian personnel, military as well as civilian, captured and detained in South Vietnam.

Dr. Kissinger: It wasn't at one of our last meetings. It was at a meeting in September.

Le Duc Tho: Right.

Dr. Kissinger: On that occasion the Special Advisor alleged that there were massacres going on, and I said if any massacres came to our attention we would do our best to stop them. I did not say that I agreed that there were massacres going on. But these were all in the context of exchanges that were in a completely different framework than the one we are discussing now.

Le Duc Tho: We have just done the work of recording what you have told us in our exchange. Whether you accept this statement or not it is another question.

Dr. Kissinger: But you also ought to record it accurately.

Le Duc Tho: We will have the accurate record.

Dr. Kissinger: Can I get the tapes which you made in Rue Darthé too, so that we can play it? [Tho laughs] Did you have the microphone in the flowerpot?

Le Duc Tho: As to the unilateral declarations, either side has the right to do so.

Dr. Kissinger: That is correct.

Le Duc Tho: If you make unilateral declarations we will make also unilateral declarations.

Dr. Kissinger: Is it one-for-one?

Le Duc Tho: For instance, if you say you will . . .

Dr. Kissinger: If we make a big one, you will make a big one? If we make an average one you will make an average one?

Le Duc Tho: It is in Vietnamese we have a phrase saying “tit-for-tat”.

Dr. Kissinger: Write that down. So in other words if we give you three unilateral declarations you will give us three. You won’t give us any if we don’t give you any.

Le Duc Tho: It will depend. It happens that you will make two and we will make two only. But it may happen that you will make three that we will make four.

Dr. Kissinger: But it cannot happen that we make three and you make two. All right, we will look at yours and you will look at ours. I have to get my luggage together too and meet with my people.

Now shall we discuss the protocols briefly? This is a consuming interest of the Special Advisor’s. I think what we should do is discuss the general principles now and then have the Ambassador and the two Ministers discuss the actual drafting. [Tho nods] May I say that it is essential that we receive your prisoners protocol because it is the key element to us?

Should I give you my comments on your protocol, or would you like to start?

Le Duc Tho: Please go ahead.

Dr. Kissinger: Let me talk first about the International Commission of Control and Supervision, on which our philosophies are not identical. But no member of the commission that operates under your protocol will die of overwork. [Tho laughs]

There are two sets of issues in your draft. One, the political issues, which are largely irrelevant to the protocol. And secondly, the substantive issues.

First, with respect to the political issues, you have introduced into the protocol a whole host of substantive considerations that we have already encountered in the agreement and that have a tendency to tilt the agreement further in one direction than was intended.

For example, the PRG is mentioned more frequently than in the basic agreement, and that of course presents exactly the same difficulty as in the basic agreement.

The nine regions in South Vietnam specified in Article 5 are regions of your own Communist military organization there, and they don't correspond to the South Vietnamese, to the Saigon regions. And this has a political significance.

The reference to Cua Viet as a point of exit and entry into South Vietnam in 5(c) tends to imply the de facto annexation of territory north of it to the North. Because we suffer from the illusion that South Vietnam begins at the DMZ and not at Cua Viet.

There is no provision for any team to operate in Hanoi during the period of the repatriation of prisoners.

And finally the protocol involves an expansion of the role of the National Council of National Reconciliation and Concord which is totally contrary to the provisions of the agreement. Article 9(d) says that the ICCS receives cooperation and assistance from the Councils of National Reconciliation and Concord at central and lower levels. First, the only council that has been agreed upon is the one at the central level and it isn't clear when it is going to come into being. As to the lower-level councils, the parties are only under an obligation to consult about them. So to write into the agreement a provision of functions for councils that haven't even been decided upon yet is an unwarranted expansion of the substance of the agreement.

For which I blame Mr. Loi. He will need a very large statue. [Laughter] At the rate we are going they can finish one of the size of the Eiffel Tower, though, before I get to Hanoi.

Then Article 4 provides that the International Commission should report to the National Council of National Reconciliation and Concord. Chapter VI of the basic agreement fully spells out to whom the International Commission reports, that is, the parties and the International

Conference. There is no mention whatever in Chapter VI, which fully covers the functions of the Commission. Perhaps through a drafting mistake, I find that the Commission reports to the National Council, but there is no reference to the International Conference.

And the protocol has to restate what is in the basic agreement and cannot add new obligations that are not in the basic agreement. So one cannot avoid the impression that the protocol of the International Commission attempts to introduce into the protocol political issues going far beyond what was in the agreement, but excludes from the protocol some decisions that were made in the agreement. Our experts will want to fix this. I am sure that the Minister will cooperate in this effort with his usual meticulousness. And you will instruct him when you make your luggage tomorrow. [Tho laughs] If you “don doc” his operation. [Laughter]

There is really no point for concluding an agreement as long as we are having such a good time.

Mr. Thach: Ambassador Sullivan is always adding new things too.

Dr. Kissinger: That is because he is my Commissar.

Now may I raise some substantive issues? We feel that your draft exaggerates the traditional Vietnamese hospitality to a point where these teams will find it almost impossible to observe anything, finding themselves surrounded as they are by their Vietnamese hosts at every moment. [Laughter] As we analyze it, there are about four times as many liaison officers as there are Commission members, and westerners not used to your standards of hospitality may confuse it with being taken prisoner. [Laughter]

Le Duc Tho: But your provisions are too loose, too large.

Dr. Kissinger: So I believe that some greater possibility for initiative should be given to these members. Secondly, as we understand your draft—and I am afraid we understand it—it provides for all communications and support of the Commission to be furnished by the party in whose area the Commission operates. Now the Special Advisor has already pointed out that they may have to move by buffalo cart. But our basic concern is the purposes of the Commission, and its incentive to find violations may be higher than that of the party committing the violation. And you have set it up not only that the party has to agree to the investigation to begin with but that it has to supply all the communications and transportation.

Secondly, we consider the Commission inadequate in size and inadequately distributed around the country. And some of the provisions are so vague as to lead to great ambiguity. Having seen Mr. Loi in operation I cannot believe that that is unintentional. For one thing we may have a slightly different conception of border points than you

do. You do not make clear whether these points of entry are to be used by both parties or by only one party. We don't know whether the PRG wants to supply its forces through Saigon or how. I think we should get somewhat greater precision. Don't you, Mr. Special Advisor? It is in our mutual interest to avoid ambiguity, and in order to bring about the meticulous observation of the agreement which we have both agreed is essential, we should specify also that the points at which the teams are located are the only permitted points of entry. So that we do not inadvertently ship 100 tanks to An Loc. [Tho laughs]

Le Duc Tho: If the tanks are to be supplied through the fixed points of entry then it is not so many teams as you approve.

Dr. Kissinger: And of course no one would ever use a point of entry that was not permitted. I know the Minister is now going to propose to have no fixed teams at entry points, so you won't be able to ship anything, which is what you want.

So at any rate we will clarify this ambiguity. We will specify the points of entry for each side and we will make clear that those are the only permitted points of entry, that there are no others.

And of course we will have to clear up the ambiguity about just exactly where the DMZ is located. [Laughter]

Le Duc Tho: Under water, under the river Ben Hai. [Laughter]

Ambassador Sullivan: That is where the team is located, under water.

Dr. Kissinger: I think the Special Advisor wants to put an Indonesian team under water at Ben Hai. All right. In case these restrictions are not confining enough, there are some others such as Article 8(c) in which the four parties and the two South Vietnamese parties have to agree on the location and the activities of the team, in case they find a buffalo on their own. [Laughter] Then, knowing that it is impossible to get any unanimous report from any team that has a Hungarian on it, you have made it impossible to provide any separate view. And in order to underline your concern for unanimity you have provided in Article 7 that unless all four parties are present the teams can do nothing. Of course I have already pointed out that you have forgotten to mention the International Conference.

These are just the issues of principle. If I listed all the issues of detail I do not believe the Special Advisor would make his plane on Friday. The intent of your proposal is to deprive the Commission of any theoretical, legal, practical and physical ability to operate.

So I would suggest that the two groups of experts be instructed to operate from both texts and not yours. [Tho nods yes] My impression is that they will not settle this issue on Friday. But it is another reason why it is hard to see how we can bring this agreement into force.

Maybe I should let the Special Advisor reply before I return to the Four- and Two-Party Commissions.

Le Duc Tho: In my view I would propose the following. I don't know whether it is good to do the job or not. You have tabled a number of protocols; we have also put forward a number of them. So the drafts of the two parties are to be subjected to discussions on the basis of the two drafts. We will base ourselves on our draft but we will take into account what is said in your draft. You will do the same. You will base yourself on your draft but you will consider the views expressed in ours. And we will discuss and find out something just for us two. Therefore any views you may have, you will express them to your colleagues. And whatever views I may have I will convey them to Minister Xuan Thuy and my experts. So that the two parties will discuss the problems. And whatever discussions will be here, they will be reported to you on your side and to me on my side and I shall on the way contribute my views to my experts. Because if now you comment on all the four protocols and I will comment on the four protocols, it would take too much time.

Dr. Kissinger: We only have three of your protocols.

Le Duc Tho: There were four.

Dr. Kissinger: How are we going to get the fourth? Because it is very essential to us.

Le Duc Tho: Tomorrow morning.

Dr. Kissinger: It is in your blue folder.

Le Duc Tho: It is not there.

Dr. Kissinger: Can I see it?

Le Duc Tho: We are progressing slowly.

Dr. Kissinger: Will you send it to our Embassy tomorrow morning? Or call Colonel Guay. He will pick it up. [Thach nods yes]

So you don't want to hear my views on the Two- and Four-Party Commissions.

Le Duc Tho: It is not so. But as now you make your recommendation on the four, I will make my comments too. If you have any views please convey them. Tomorrow. I have read your draft protocols. Now I will read the draft on my side. We read and I will give instructions to Minister Xuan Thuy.

Dr. Kissinger: That is fair enough, Mr. Special Advisor. I wouldn't want you to discuss something before you have read it.

Le Duc Tho: I have read your draft. I have prepared my comments. I still remember that in your draft you propose to put 5000 men in the International Commission. I pay a great deal of attention to this.

Dr. Kissinger: 4800. We gave 200 as a sign of good will. In your draft, Mr. Special Advisor, you have 62½ men from each country.

Le Duc Tho: And you insist on freedom of movement and organized down to the district level. So I have read your draft.

Dr. Kissinger: And you have adopted all of it for the Two-Party Commission!

Le Duc Tho: These are the few important points. It shows I pay attention to your draft. It shows that I have read it.

Dr. Kissinger: I was sure you read my draft. I was not sure you had read your draft. [Vietnamese laugh]

Le Duc Tho: Actually I have discussed the subject with Minister Xuan Thuy. But I have not read the draft! It is his work [pointing to Mr. Loi].

Dr. Kissinger: That's going to be quite a statue.

Le Duc Tho: Tomorrow we will hand you the protocol on the prisoners. And please fix a date for the beginning of the work of the experts.

Dr. Kissinger: I think they have agreed to meet on Friday. And then they . . .

Le Duc Tho: Tomorrow I will have to meet with Minister Xuan Thuy.

Dr. Kissinger: And alternate between. We might start at any place you designate. What place do you suggest?

Le Duc Tho: Gif-sur-Yvette, and here.

Dr. Kissinger: Here we may have to change because we have evicted the owner. But we will give you the name of the place. Okay—Gif. On Friday we will give you the name.

Ambassador Porter: We go to your place Friday, and Saturday it may be here, but we will tell you definitely.

Dr. Kissinger: This is so interesting I may come back for it.

Amb. Porter: It is going to be unusual.

Dr. Kissinger: But we have an understanding that Mr. Loi is going back to Hanoi. In fact we don't care where he goes. [Laughter]

Le Duc Tho: He will return to his native place! You want them to go to their native place, therefore I will tell Mr. Loi to return to his native place.

Dr. Kissinger: I am sure there is some meaning to this. Where is his native place—Hué?

Le Duc Tho: Right.

Dr. Kissinger: I have a few ambitions: I am looking forward to the negotiating between Minister Xuan Thuy and Special Advisor Duc from Saigon. And to the encounter between Mr. Loi and Mr. Nha. Well then, where are we, Mr. Special Advisor? After this maximum effort today.

Le Duc Tho: There is still a number of questions left in the agreement, and a number of questions regarding the understandings. I think that our experts should continue to work on them so as to settle these questions. And of course the protocols will be worked on by the experts too. And during my return to Hanoi, whether there is any major question you and I will exchange messages.

Dr. Kissinger: During, or after?

Le Duc Tho: During my stay in Hanoi.

Dr. Kissinger: Oh, during your stay.

Le Duc Tho: And when necessary you and I will meet again. But if so, we will understand that it will take me at least from 12 to 15 days to go to Hanoi and to return from Hanoi. The quickest is 12 days.

Dr. Kissinger: Well, I leave it up to you to propose a meeting if it is desired. You know your schedule and I don't know your schedule. So when you are ready for a meeting or if you think a meeting is necessary, please propose a date.

Le Duc Tho: Either side will say a meeting is necessary, and propose.

Dr. Kissinger: Right. Let me then sum up where we are. Our experts will go over the unresolved issues in the text of the agreement. I recommend, Mr. Special Advisor, that when you instruct your experts that you will confine the remaining issues to those that were unsolved yesterday rather than the ones introduced this morning with respect to Article 7 and Article 20. Though I will be glad to receive the unilateral declaration from Mr. Loi about whether it is possible to destroy something without damaging it. Second, our experts will work on the mutual understandings. Third, and most importantly—and this should be our first task—they should work on the protocols.

From our side I must say, Mr. Special Advisor, we believe that an agreement with good will should be easily achievable. [Tho nods] I cannot hide from you the growing impatience in Washington, and its conviction that the delays of the last ten days have been unnecessary. We are prepared to make an agreement, and we still think that the path of peace is the best for both of our people. But the opportunities for peace, if they are not seized when they exist, can be overtaken by events. So I would like to express my hope that we will soon be able to complete the efforts which we started in October, and which have taken too long.

Le Duc Tho: Are you finished?

Dr. Kissinger: I am finished.

Le Duc Tho: This round we have been working over one week now, not counting the last round. Counting the last round we have had until now over ten meetings. As a matter of fact . . .

Dr. Kissinger: Fifteen.

Le Duc Tho: If you review our process of negotiations you should have realized that we have made very great effort. Throughout these fifteen meetings, if we review the questions that remain outstanding now, you should have realized that we have not brought anything new; except for Article 8(c), I have proposed two months. But you have raised many questions and very major questions. And yesterday we have responded to your major question, that is the question of the Demilitarized Zone. It is undeniable that we have made great effort, and you can't say that we don't want to advance to peace. If you review our last fifteen meetings you should have realized the orientation we have adopted.

Now the number of outstanding questions is not great. If speaking of major questions, there are two: the question of the DMZ and the question of the signing of the agreement.

Besides there are a number of understandings associated with the agreement. For instance, the understanding on the civilian personnel associated with military jobs. Or Article 8(c). [Xuan Thuy laughs]

Dr. Kissinger: You have a one-track mind.

Le Duc Tho: Besides some others outstanding. These questions are under discussion. You have also another question, the question of Laos.

Dr. Kissinger: Which you will sell me one day at a time.

Le Duc Tho: I am confident that with good will we will solve all these questions. And besides there are a few questions of details in the agreement. We will solve them all if both sides show good will. But if we solve the major questions, these questions of detail will be easily solved. Because now we are so near to peace, you should make a step forward, and we will do a step forward.

Now I will be returning to Hanoi because I have been away from Hanoi for nearly one month now, and my government cannot fully understand the details of negotiations we are having here through the messages. I will report to my government on these negotiations because you are not in position to solve the two outstanding questions now. Even if I remain here indefinitely these two questions will remain unsolved.

Dr. Kissinger: I agree.

Le Duc Tho: If we could solve these two questions, that would be the best. But since our views differ on these two questions—I have made my utmost effort—I have no other way of doing. So both of us will return. You will report to your government and if there is anything we will exchange messages, and if necessary we will meet again. There are two ways of doing. Now you will return to Washington, I to Hanoi. We can exchange messages and if necessary we will fix up a day to

meet again, or after we have finished here we can fix a date for our next meeting. It is up to you to choose these two methods. And I am firmly convinced that in the next meetings both sides will make an effort and solve the problem.

I have been consistently telling you that the best way to settle the Vietnam problem is through negotiations. I have been consistently telling you so long ago and this has become evident since July, so there are negotiations ever since. So we should be confident that we will peacefully settle the problem. But both sides should make efforts and show good will. If so, I am confident that a settlement will be found out.

Dr. Kissinger: I want to be candid with you, Mr. Special Advisor. A great deal of the confidence you expressed has been lost in Washington. There are now serious questions about the sincerity and the possibility of coming to an agreement. I want to be frank with you. Our subjective views do not meet at this point. We came here twice, each time determined to settle it very quickly, each time prepared to give you a schedule which we would then have kept absolutely. We kept the Vice President standing by for ten days, in order to start the schedule which we had given you. And we believe that in the last week there has been just enough progress each day to prevent a breakup but never enough to bring about a settlement. I admire the Special Advisor's skill in keeping the negotiations going. We remain ready to make another effort. Never again will I be able to come to Paris for more than two days, and a protracted session such as the one through which we are now going is now physically impossible for us.

We maintain our offer that we will conclude the agreement by a trip to Hanoi.

But what should be considered is that an agreement consists of two parts: its provisions, and the confidence among the parties after it is concluded. It would be idle to deny [say] that the second element is not in grave jeopardy at this moment. So we have a very important decision to make, both of us: whether we should take this last step towards peace now or whether we should launch ourselves into another period of uncertain outcome, but in which one thing is certain—never again will we negotiate a comprehensive agreement if this one fails.

I can assure you we would like to conclude this agreement, and if you and we conclude it we will proceed without regard for whatever other views may exist. But we have certain minimum requirements. You have known them since October. And if it fails it will not be because of one sentence. It will be because, as the Special Advisor pointed out so well, there was one degree too much heat applied to the glass.

It is always tempting to continue what one knows, and I suppose both of us are more familiar with war and less reluctant to run its risks

than to run the risks of peace. We have made our choice. Let us now see whether in the next weeks we can complete the project.

Le Duc Tho: You mentioned here that you proposed many schedules, but these schedules are not kept. It is not because of our side. The cause for those schedules being not kept is that you have raised too many questions and those questions cannot be solved in one or two days, as you propose. Last time we have met for four days and you yourself have interrupted the talks. I did not interrupt the talks myself. In our proposal we have our necessities; you have your necessities.

Exactly we should not continue the war for one word or, for one sentence. But if this word, this sentence, reflects the necessities of the other side, as in the image which we have used the other day, the glass need only one more degree to break it. This can apply to me as well as to you. We should do in such a way not to let the temperature go beyond the resistance of the glass. It is the responsibility of both of us. But we should understand each other's necessities to keep the temperature below the critical point.

I earnestly hope that we will solve the problem during the next meeting. But there should be effort from you and from myself. Both of us should make further efforts.

Dr. Kissinger: Mr. Special Advisor, I wish you a good trip back to Hanoi. Don't inflame your friends in Moscow and Peking too much. I will put aside some time for the Soviet Ambassador already for Monday. He doesn't know yet. [Laughter] But if he comes in and says, "I want you to make a big effort," I will know that you have been in Moscow. [Laughter]

Le Duc Tho: I also wish you a good journey home. And you will make a great effort when you are in Washington.

Dr. Kissinger: It will be needed because I have very restless associates—not to speak of superiors. And just to sum up, we are going both to tell the press that we will stay in contact with each other and we will decide later whether there will be another meeting. And we then will be in touch with each other after you return to Hanoi, which will be Monday next week.

Le Duc Tho: [nods yes] Agreed. I will tell the journalists that I am going home to report and I will get in contact with Dr. Kissinger and we will decide when we meet again.

Dr. Kissinger: Or whether. Just in case we settle in these messages. And that in the meantime the experts will continue their work.

Le Duc Tho: Please. I will make a very brief . . .

Dr. Kissinger: I won't say anything when I leave. We will just say it in Washington tomorrow. But if I say anything it will be just that.

Le Duc Tho: Yes.

Dr. Kissinger: Maybe I will say just as I leave that I am going home to Washington to report to the President, the Special Advisor and I will stay in contact, and we will decide whether it is necessary to meet again or when. That is all I will say. And that in the meantime the experts will continue to work.

Le Duc Tho: Agreed.

Dr. Kissinger: When will you announce that you are leaving?

Le Duc Tho: I will not announce my departure. Tomorrow I will prepare for my departure and day after tomorrow at the airport I will announce.

Dr. Kissinger: You will just go to the airport and buy a ticket to Hanoi.

Le Duc Tho: There is no plane direct to Hanoi.

Dr. Kissinger: I know.

Le Duc Tho: How many hours does it take you to Washington?

Dr. Kissinger: About 8½.

Le Duc Tho: Very rapid. For me it is too long a journey.

Dr. Kissinger: Well, I don't stop anywhere to report about the Special Advisor the way he does about me.

Le Duc Tho: Even if I wanted to have a direct schedule I could not do that.

Dr. Kissinger: It is too long. How many hours flying time is it altogether from here to Hanoi?

Le Duc Tho: 27 or 28 hours.

Dr. Kissinger: It is a long trip.

Le Duc Tho: And tiring too.

Xuan Thuy: And it cannot go only non-stop trip, it has to stop over some places.

Dr. Kissinger: Is it true that the Minister has volunteered to go in your place?

Xuan Thuy: I volunteered to do that but he wanted to go himself. Moreover, Mr. Kissinger wanted that Special Advisor Le Duc Tho return to Hanoi himself and not me.

Dr. Kissinger: I have no special interest whether the Special Advisor goes as long as Mr. Loi goes! We are going to watch the television at the airport to see who is on this flight. [Laughter]

[The meeting ended at 4:30 p.m.]

Settlement Accomplished: The Accords Initialed and Signed, January 1973

42. Memorandum of Conversation¹

Paris, January 8, 1973, 11:05 a.m.–3:30 p.m.

PARTICIPANTS

Le Duc Tho, Special Advisor to DRV Delegation to the Paris Conference on Vietnam

Xuan Thuy, Minister, Chief DRV Delegate to Paris Conference on Vietnam

Nguyen Co Thach, Vice Minister for Foreign Affairs

Phan Hien, Delegation Member

Trinh Ngoc Thai, Delegation Member

Pham The Dong, Notetaker

Nguyen Dinh Phuong, Interpreter

One Other Delegation Member

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs

Ambassador William Sullivan, Deputy Assistant Secretary of State

Winston Lord, NSC Staff

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 28, HAK Trip Files, HAK Paris Trip Tohak 67–146, January 7–14, 1973. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at 108 Avenue du Général Leclerc, Gif-sur-Yvette. All brackets are in the original. The pages of the original are misnumbered, skipping page 24, but no text is missing.

After this session, the first since the Christmas bombing, Kissinger reported to Nixon: "We held a four-and-a-half hour session with the North Vietnamese today which was totally inconclusive. The atmosphere at the outset was frosty but thawed as we went along." When the meeting broke for lunch, Tho initiated a private talk with Kissinger in which Tho noted that he was "having domestic difficulties with regard to his negotiating posture." That is, the Politburo had restricted his negotiating freedom because he had earlier, especially in the November round, showed signs of excessive flexibility in the negotiations. (*Foreign Relations*, 1969–1976, vol. IX, Vietnam, October 1972–January 1973, Document 255) "If this were true," Kissinger later wrote, "it was beyond my imagination what his hard-line [Politburo] colleagues might be like." (Kissinger, *White House Years*, p. 1463)

Kissinger concluded his report to the President as follows:

"It is impossible to draw any meaningful conclusion from this meeting. Realistically, it would be impossible for them to cave on the issues on the first day at the conference table after intensive B–52 bombing. Thus, they could be following the essential procedure of the technical talks [run by Deputy Assistant Secretary of State for East Asian and Pacific Affairs William H. Sullivan and North Vietnamese Deputy Foreign Minister Nguyen Co Thach, January 2–6] at which they didn't give much ground the first day. On the other hand, it is equally possible that they are stonewalling us again as they did in December. Under this hypothesis, the progress this past week on technical talks would only be their way of removing the propaganda vulnerability of their position concerning international control machinery."

Kissinger expected to have a clearer indication of North Vietnamese intentions after the next day's meeting. (*Foreign Relations*, 1969–1976, vol. IX, Vietnam, October 1972–January 1973, Document 255)

John D. Negroponte, NSC Staff
 Peter W. Rodman, NSC Staff
 David A. Engel, NSC Staff, Interpreter
 Mrs. Mary D. Stifflemire, Notetaker

Dr. Kissinger: I saw Mr. Special Advisor on every television network in America on Saturday. [Laughter]

Le Duc Tho: Shall we begin now?

Dr. Kissinger: Please.

Le Duc Tho: I would like to propose that each day we will work for four or five hours. Because lately I was caught by serious flu and I am still a little tired. So I propose these working hours.

Dr. Kissinger: May I ask one procedural question, Mr. Special Advisor? Ambassador Sullivan and Minister Thach discussed Saturday the possibility of experts meetings this afternoon, subject to your agreement and mine. I am prepared to agree to it and I just wanted to check whether you are agreeable also.

Le Duc Tho: I agree.

Dr. Kissinger: Should we then proceed this afternoon at three, as the two delegates for the experts meetings agreed?

Le Duc Tho: I agree.

Dr. Kissinger: Fine. Excuse me for interrupting. Mr. Negroponte of our group will join the others, and Mr. Aldrich and Mr. Thompson. Sullivan will stay with me. Wherever Mr. Thach goes, Sullivan goes.

Le Duc Tho: Let me now, Mr. Special Advisor, say a few words.

Today I would like to recall that last October we put forward a reasonable and logical proposal that leads to an agreement that should have been signed on October 31. But then you reversed the matter. And then on November 20 you requested another meeting with us. And then at these meetings you insisted on many changes regarding the principles and main substance of the agreement. Then these meetings lasted one week, and then in the midst of these meetings and these negotiations you requested a restricted meeting with me, a private meeting with me, in which you threatened us, and then you suspended the meetings for ten days. Then we had another round of meetings that lasted for nine days. And in our assessment, in these meetings we have made major efforts that enabled many agreements to be reached at these meetings, and there were only a few questions left unsolved. I remember that on December 12 regarding the question of the DMZ, we solved it in the main, and there were only a few ideas different from either side. And also the question of the signing of the agreement. Besides these two questions there are a few specific questions, not important, minor ones. And then there were a number of understandings that were being discussed.

Therefore we think that our negotiations then were in progress [sic] and I think our assessment is correct. And before leaving I told you that I would return to my country for twelve days for consultation with my government. These consultations were necessary because I was far from my government. I had to return to report to my government and ask their views in order to complete the settlement of all questions. Before our departure I told you in private, too. Definitely I had to return because there were a number of questions on which I had to have the views of my government, and I told you that we would exchange messages to settle those problems and if necessary we would meet again. And to save time our experts on both sides would continue the discussions.

I thought that in my absence the experts will hold discussions and when I returned to Paris then they would have solved part of the questions and there would be only one part left for us to continue to debate, and then our continued discussions would be rapid and fruitful. You and I also agreed on the settlement to be made at airports. We both agreed not to divulge anything regarding the private talks. On my part I have respected what I had told you. But before my reaching home you divulged part of our discussions here.

Dr. Kissinger: The Minister divulged a part that hadn't even occurred. [Xuan Thuy laughs]

Le Duc Tho: Let me finish, Mr. Advisor. And then under this pretext you resumed the bombing of Hanoi. Just shortly after my arrival in Hanoi. So you welcomed me home very courteously indeed. I should say that your actions were very brazen, very gross. You thought that by such actions you could subdue us. You are mistaken. You should know that we and our leaders had experienced imprisonment, tortures, massacres, for tens of years—under the imperialist rule and feudal rule, without submission. Indescribable quantities of bombs and shells had been used against our country and our people were not intimidated. So your objective to bring us to our knees, to intimidate us is in vain. On the contrary, our people fought back very firmly, energetically, and you met with great failure. Over the past ten years we have never shot as many planes and captured or killed so many pilots as in the past ten days. You met with failure. But also you prolonged, you caused the negotiations to be prolonged and thereby more difficult. You have tarnished the honor of the United States. Your barbarous and inhumane action has aroused general and tremendous indignation from the world peoples. The world public opinion—personalities, governments, journalists—most of them, all of them assess that your actions were frenzied, inhumane. And even one of your friends, journalist Joseph Kraft, assessed these actions to be stupid.

Dr. Kissinger: That's not the first time he has come to that conclusion.

Le Duc Tho: I think that these assessments by public opinion are correct and accurate. Therefore, I think that you should draw experience from them and put an end to such extremely inhumane actions against our people. While we were nearing a settlement, an agreement, you should engage the negotiations with a serious intent.

Now if you want a peaceful settlement we are prepared to do that. If you want to continue the war, we are also prepared to carry on the war without being intimidated or fear. If you want a rapid settlement, we are also prepared for a rapid settlement. If you want prolonged negotiations, we are prepared for a long negotiating too. Any way you adopt, I will respond to you. Now comes a moment when all depends on you. We should say that we have made great efforts. Therefore you are responsible for the problem, [and for] whether it is possible to solve it or whether it is impossible to solve the problem.

These are the ideas I would like to express to you before we engage this round of talks. And I should conclude by saying that the recent actions on your part evidence once again your breach of faith, your disregard to your promise. On many occasions you said to me that we should create mutual trust, mutual understanding, but each time this trust from you proved to be valueless.

I have finished.

Dr. Kissinger: Mr. Special Advisor, Mr. Minister, I did not prepare a statement because I did not want to take up our time in accusations and counterattacks. I will reply very briefly, and then let us get down to business.

We on our side know how seriously we intended to make a settlement. We know that we came here in November and then again in December determined to settle rapidly. I explained to you again and again at these sessions and privately what our objective difficulties were and what our minimum necessities were. You know that we reduced our proposals very rapidly to an absolute minimum.

No one can read the records of the meetings in December, however, and come to any other conclusion except that you were determined not to have an agreement in December. When I arrived on Monday, the 4th, I told you the Vice President was ready to leave for Saigon on the 6th. For nine days the Vice President of the United States was standing by without a schedule, waiting to be leaving. We would not have done this if we had not been prepared on our side to settle very rapidly. On Saturday, December 9, you yourself said there was only one issue left. By Monday that had grown to three; by Tuesday it was four; and Wednesday we did not know how many issues because you were inventing them faster than we could even discuss them. I told you on many occasions during these meetings, at the table and even more privately, that there was developing in Washington an increasing

doubt about your seriousness of purpose. The conclusion was that you were deliberately playing with us. If we hadn't genuinely believed that an agreement was near, the events of the recent weeks could not have happened. You have always, in the four years that I have had dealings with you, had the great ability to pretend that all the responsibility is on our side. But that is simply not true. In the recent sessions, for whatever the reason—you know better than I do—you were in no position to settle and you had no intention of settling.

Now you say that we broke our agreement not to reveal the content of the negotiations. There are two different positions. One is to reveal our assessment of where the negotiations stood, and the other is to reveal the content. We owed the American people an honest assessment of where we stood. But we have not at any time revealed the content of our discussions. Even under extreme provocation. Even when the Minister on television gave an account which indicated that you live in a different realm of reality from us. We did not do so because we did not want to provide a checklist for our journalists. You are difficult enough to negotiate with without adding a lot of American journalists too.

Now, as for recent events, I will not debate them with you and I will not debate the opinions of those who are always ready to express them on issues that they don't understand and that don't concern them. Peace will not be made as the result of such matters but as the result of the decisions of our two governments. You have said, Mr. Special Advisor, that you are prepared for every situation—rapid solution, prolonged negotiation or continuation of the war. With all respect, there are only two possibilities: The first possibility is a rapid conclusion; the other is the continuation of the war. The issues have now been reduced to very few. If we cannot solve them this time, we won't be able to solve them any other time either. We would therefore have to draw the conclusion that the October framework is simply not capable of leading to a settlement.

We are prepared to attempt a rapid settlement with you. You and I have been talking for nearly four years now. [Vietnamese confer] Is it clear?

Le Duc Tho: Yes.

Dr. Kissinger: I am prepared to come to a rapid settlement with you. We have been talking for four years and there is no objective that has meant more to me than to end the war with a negotiated settlement. So I am here with good will, with a serious intention to conclude rapidly. We cannot spend the amount of time we have on recent meetings. But we are willing to work long hours and to make a very serious effort. But it must be done on a reciprocal basis. And I hope that by the time we conclude, we will have brought peace to Vietnam and to Indochina. That will be our attitude.

Le Duc Tho: You have finished, Mr. Advisor?

Dr. Kissinger: Yes.

Le Duc Tho: Let me add another word. First of all, you said that we did not want to come to an agreement in December. That is not true and I cannot accept this assertion. I would like to recall to you that when we met again you yourself assessed high value to my return to Paris for another meeting.

Dr. Kissinger: That is based on personal affection.

Le Duc Tho: [Laughing] No, that is not true. If you made a just assessment of that moment that was different.

Dr. Kissinger: I agree with you.

Le Duc Tho: And you proposed many modifications. And in the course of our discussions we have agreed on many points. Regarding the question of the DMZ, the most difficult question, on December 12 I have solved it with you except for a few more words. This is a major question. Besides that, our experts raised a number of questions, smaller ones, minor ones. And then you returned to your country, and then you launched the most ferocious, the most barbarous bombardment ever seen in the past ten years.

Dr. Kissinger: Can I make a suggestion? I listened to the adjectives the first time but I think you should eliminate them.

Le Duc Tho: I have shown great restraint when I used these adjectives in comparison to those used by public opinion, world opinion, American journalists, American personalities and statesmen. I have said that because you have not seen the reality. But when you come on the spot, in the future maybe, you will see the destructions, the ashes left behind by the bombing for whole quarters, villages. If a conscience is left in you, how would you think of that? While we were nearing a settlement and I fixed the date to return to meet you again—four days for the return, four days in Hanoi and four days to go to Paris again? And in the meantime the experts continued their discussions. So you cannot say that we have no good will to settle the problem. Therefore I cannot accept your conclusion as correct.

And I should say that the recent bombings bring no use at all, as I just told you. But this bombing brings only adverse effects, not counting the number of our civilians who were killed. But no use on your part—only losses. The protests against you is aroused and the negotiations are hampered. You are responsible for that. If now you show good will and serious intent to settle the problem, we are prepared to do that with you.

Many times you assert to me that you wanted a rapid settlement but the fact shows that was not your intention. The first time we met again for one week you said also that you wanted a rapid settlement.

Then it led to a pause for ten days and we met again. You affirmed again your intention for a rapid settlement. This time too you say you want a rapid settlement. Let us see how you solve it.

Now I leave the floor to you and let us go into our work.

Dr. Kissinger: I must correct one other point. The Special Advisor has referred several times to the experts meetings that were supposed to have taken place in the interval between our meetings. There were three experts meetings. They lasted about two to three hours each and they could not agree on an agenda, because your side insisted constantly that it was without instructions, and these experts meetings merely reinforced our conviction that there was no seriousness whatever. If these experts meetings had worked seriously the events would not have occurred. Second, I have told you on many occasions that you have to abandon the approach whereby it is always up to us to settle the problems which at least partly you have created and we must approach these issues in a spirit of reciprocity and not in a spirit of dictation by one side. And, therefore, you cannot invite me to begin the discussions with telling you how we are going to solve all these problems. I am willing to make my contribution, but I would not accept the statement you made at the airport—the statement you repeatedly make—that it is up to us to solve all the problems. The only time we made real progress was when you abandoned this attitude.

Le Duc Tho: Let me answer to that point. I do not want to return to the experts meetings. Actually, the concept on both sides was still different. Therefore discussions were necessary. Moreover, both sides, our side and yours, should wait my return to Hanoi to ask for instructions from my Government. But I had no sooner reached Hanoi without having time to ask for instructions from my Government than the bombing was launched. So you blocked the road to that objective. Now secondly, while I am telling that you are responsible for that, naturally in negotiations there should be reciprocity and both sides should show good will if a settlement is to be reached.

But I should say that recently you insist upon so many changes, and I should say also that we have had a very great effort that enabled the result we got last time. If now we review the agreement, all the changes were brought by your side. We did not bring any change on the substance. This is a fact. That is why I said that you are responsible. To solve the problem. Of course, if you show good will then I will show good will, and a settlement will be reached, but the responsibility rests on your side more than anyone else. This is a fact.

I just say that just to reply to you. But now let us come to our problem. A settlement should be found out. I am prepared to listen to you.

I propose that first we should go into the agreement, the remaining questions. Then we will discuss the understandings, then the schedule,

then the protocols, and what the discussions of our experts have left outstanding. The outstanding questions of the discussions, then you and I will exchange views. Roughly I propose this agenda.

Dr. Kissinger: I agree, Mr. Special Advisor, we should discuss the remaining issues in the agreement first. Then we should complete the understandings. Then perhaps we should discuss those issues of principle that remain in the protocols. And I must say, having reviewed the discussions between Ambassador Sullivan and Vice Minister Thach, I must say our saboteurs have not sabotaged as much as usual last week and have made some progress.

Then I think we should discuss the schedule and then I think we should complete the protocols. And then I want to say again what I have put in many communications—the schedule we agree on here will be completed without fail and regardless of opposition that may be raised.

Le Duc Tho: I agree.

Dr. Kissinger: I want you to know, before you accuse me of bad faith later, you have to remember is that for a few days before our Inauguration until just after the Inauguration it is impossible for me to leave Washington. But we will make specific proposals to you. But we are prepared with specific proposals but there is no sense discussing them until we have completed our work.

Le Duc Tho: It is practical and pragmatic. Because all of the previous schedules proposed by you were never realized.

Dr. Kissinger: [Laughing] I was afraid for a minute the Special Advisor might say a generous thing. [Tho laughs] If I ever come to Hanoi will you greet me with a sign that says “you again have not met your schedule”? [Laughter] Well, let’s get to work.

We have expressed our views to you in various messages of how we could proceed most rapidly. As we understand it, there are two issues left in the basic agreement, in addition to a very few wordings that Mr. Loi has managed to produce. The two issues in the basic agreement concern the DMZ and the method of signing. Then we have a number of problems with respect to the understandings which we have handed over to you. These understandings are in two parts. Some are mutual understandings, in which we have agreed on some and have yet to agree on some others. Then there are some unilateral statements which either side might wish to make which are of course not binding on the other. For example, the Special Advisor has pointed out to me on a number of occasions that the fact that the PRG is mentioned in the Preamble does not mean that the United States recognizes it as a formal government. We would expect to say this as a unilateral statement which you do not have to acknowledge. Of course

we are aware that you might wish to make some unilateral statements of the same kind. I think we should both show restraint and confine those to the absolute minimum.

And then there is one problem which is somewhere between a mutual understanding and a formal document, which we had reserved for discussions for the period just prior to the initialing of the agreement, that has to do with economic reconstruction. We are prepared to discuss the subject with you after the rest of the agreement is concluded, and as we have told you before we are prepared to set up an economic commission, a U.S.-DRV economic commission, to follow the signature of the agreement.

And finally, I believe that Minister Thach and Ambassador Sullivan have identified a number of issues of principle that need solving in the protocols. I propose that the Special Advisor and I, after we have completed our other work, agree on those in principle and then let the Minister and the Ambassador find the exact words to express our agreement in principle, rather than have him and me spend time on drafting.

I propose that we spend today and tomorrow on completing the agreement and understandings and Wednesday and Thursday on the other matters. And of course if we can move more rapidly that would be even better.

Le Duc Tho: It is up to you. [Laughter] If you go fast, we will go fast too. If you will go slowly then we will move slowly.

Dr. Kissinger: What is your definition of ill will and unserious intent? That you move slowly when we move fast? [Laughter]

Le Duc Tho: We always accord our speed to your speed. If you go fast then we will do the same. If you will move slowly then we will do the same.

Xuan Thuy: You referred to the experts meeting before. You said that these experts meetings were fruitless and there was lack of good will on our part. I have to deny this, and we should draw experience from that. We said that we were prepared to discuss any outstanding questions, but if you stick to discussing only the protocols then we were prepared to do so too. But Ambassador Porter wanted to discuss only the protocol on the ICC. I said that would not do. We should discuss all the protocols, one by one, and after long, long discussions we came to an agreement that we would alternate the discussions, one day on the joint commissions and the other day on the International Commission. And then when we came to the joint commission, Ambassador Porter said that we were not prepared to discuss that and he should wait for instructions. Then he asked for a one-day pause, and I agreed to that.

So it is not true that the first experts meetings were hampered by our side. It is actually your side which hampered these discussions because you wanted us to follow your ideas and we could not accept that, and you said that it is lack of good will on our part. So if the two sides have agreed on an agenda then we should abide by the agenda and follow the items one-by-one.

So if now we have agreed on the items to be discussed, then we will deal with them one-by-one, and I think it is easy to come to an agreement. So I have to deny what you have just said. And I think that you should draw experience from that when we enter the new phase of our negotiations.

Dr. Kissinger: And Minister Thach and Ambassador Sullivan—do they now get a chance to protest their good mutual good will too, or should we get to work?

Le Duc Tho: It is up to you. [Laughter]

Dr. Kissinger: Well, I see the Special Advisor is in his usual form.

We have twice made a specific proposal to the DRV side, one, in the message of December 18 and the other in a message of December 23 which is specifically that with respect to the basic agreement we return to where it stood on November 23 except for the deletion of the word “administrative structure” which had been agreed to in the week of December 4. And that with respect to the signing we had agreed to what the Special Advisor had agreed to on December 11, that the U.S. and the DRV sign the document as it was according to the procedure agreed to in October and that the Saigon Government and the PRG adhere to it in separate instruments, which however contain the totality of all the obligations minus the Preamble, or with a different Preamble. Alternatively, we are prepared to sign the document according to the formula agreed on in October and find some other means of adherence for the PRG and the GVN. Those seem to me the principal issues, because the November 27 Article 1 which remains a very difficult one for us, was in a different form which did not single out the United States.

These were the proposals we made in our message, which we could assume were confirmed in your message but we want to confirm that. The Minister is unsettling me with all the documents he keeps surfacing.

Le Duc Tho: Have you finished?

Dr. Kissinger: Yes.

Le Duc Tho: But listening to your initial proposals I should say that you have made a step backward. Comparing to what we agreed to on December 13. So you say that you want rapid progress. How can we make rapid progress? Now we have come back to the negotiations on December 13 and there were two outstanding questions as

you mentioned in your message of December 27. Besides these two there were a number of specific questions raised by our experts regarding the agreement. So I thought that we would have to solve the outstanding questions as they stood on December 13. And then after my departure, Minister Xuan Thuy discussed a number of understandings in the experts meetings, but the discussion was not complete yet. We would continue with that. It is our view.

Dr. Kissinger: I was referring to our message to you of December 18 which we then reaffirmed on December 27.

Le Duc Tho: But after, in our message in reply to your message, we have defined the outstanding questions after my departure from Paris on December 13, and then in your message in reply to us you confirm these problems, these questions.

Dr. Kissinger: Perhaps the Special Advisor could tell me his views as to the solution of the outstanding issues. And then let us see what we can do to find a common position.

Le Duc Tho: But we should agree first that those are the outstanding questions, then we will discuss them. When we parted on December 13, I told you there were two major questions left unsolved. First, the question of the DMZ; you wanted to add the word "civilian" but I disagree to that word.

Dr. Kissinger: No, I wanted to delete the whole sentence.

Le Duc Tho: It is not true. Secondly, the way of signing the agreement. Besides these two major questions there are a number of specific questions raised by both sides—five or six I think. But these are not major questions. This is my understanding. And I think I am correct because I have sent you a message telling about it and you confirmed them. And I think that I have not yet a short memory.

Dr. Kissinger: No, but you have a selective memory. [Tho laughs.]

Le Duc Tho: It is not true. It is an objective memory—and correct. [Laughter]

Dr. Kissinger: Well, Mr. Special Advisor, you are a man of great consistency in method.

Le Duc Tho: True, but you, you are versatile. [Laughter] And I am correct in saying so.

Dr. Kissinger: I repeat again, we told you on December 18 and again on December 27 what our proposal was for breaking this particular deadlock. You on December 26 told us where you thought the meeting had stood, but we had made a specific proposal to which you had not yet responded. And I would like to hear your response to all of our ideas before I can . . .

In fact, what the Special Advisor put in his message to us of December 28 was that "the meeting will take place as proposed by the U.S.

side.” But we are not going to play a game of a long discussion of what “as proposed” means—whether that means as to substance or as to procedure. It is certainly capable of that interpretation. But we don’t want to take this to a court.

We have now managed to spend an hour and a half just on procedure. We are now back in our December pattern, and on this basis the only exchange we haven’t had yet is on buffalo trading. Maybe when we get that out of the way we can get to substance.

I propose this. Let us set Article 1 aside for the moment and just discuss the DMZ and the method of signing.

Le Duc Tho: So I would like to reaffirm that in the agreement there are two major questions that remain unsolved, that is, the way of signing the agreement and the question of the DMZ. I have reiterated to you our position in our message addressed to you and you have confirmed our message.

Dr. Kissinger: No.

Le Duc Tho: Besides that there are a number of specific questions, minor questions, which we shall discuss. And then if you raise any other questions we are unwilling to discuss it because we agreed to that before we parted. In my message I have reaffirmed that and your last message also referred to these two questions.

Dr. Kissinger: We sent you a message on December 18 and we sent a message on December 28. The message on December 18 made a specific proposal. The message on December 28 referred to the message of December 18. So there was nothing to reaffirm—the 27th.

Le Duc Tho: I have clearly defined the two outstanding questions and before we left on the 13th. And on December 27 in your message to us you said also there were two questions. “The U.S. side agrees that the following matters remain to be settled: (a) two questions in the agreement, namely the question of the DMZ and the method of the signing; (b) a number of understandings; (c) a number of protocols, dealing with supervisory machinery.”

Dr. Kissinger: I have agreed to discuss those two issues first. You have indicated you are not willing to discuss Article 1. I take note of what you have said. Let us discuss those two issues first. If we can agree on them we can then see where we are.

Le Duc Tho: [Heatedly] We should come to a clear-cut agreement that there are now two major questions left and then besides that a number of special questions. This is what we agreed to on December 13 and your message is before us.

Dr. Kissinger: Yes, and a message on December 18. For about ten days in December you explained to me in excruciating language that each side was free to raise an issue as long as the negotiations continued.

On the very last day you raised I forget how many issues that were not just technical. So I am referring to the message of December 18—to the message of December 28. I am saying we should discuss those two problems first. You say we can't even reserve our right to discuss something we had in two messages to you and you are proceeding in a very peremptory way.

Le Duc Tho: You see, your last message and our last message supersede the previous one because we have defined the outstanding issues to be discussed. If now you want to raise other questions then we will raise other questions too. We will raise again the question of 8(c) and the question of civilian personnel. So we withdraw these questions so as the other questions were solved.

So you affirm your desire to make rapid progress but you have never really had this intention. You spent too much time to discuss on procedural questions we have agreed to. So what is this way of negotiation? You wanted to force us. Do you mean that the recent bombing is for the purpose of coercion? That cannot do, because if you wanted to settle the problem you should settle the problem. If you now raise other questions we have also many questions to raise.

Dr. Kissinger: If you are going to raise the issue of the civilian personnel at all—you are raising it as an understanding. But as I told you before, that has the purpose as an agreement, so you are not making any concessions.

Le Duc Tho: An understanding is different from what is said in the agreement.

Dr. Kissinger: Why?

Le Duc Tho: Because the agreement will be signed and published. The understanding will not be published.

Dr. Kissinger: In our system the understanding in one form or another will become apparent too, and secondly, we are obligated; we don't care whether it is signed or not, we will carry out the understanding as well as we carry out the agreement. Otherwise it doesn't make any sense. And one of the objectionable features of the last sessions was that on one day you would make what we thought was a concession in withdrawing something from the agreement and next thing we knew you raised it as an understanding in the next meeting.

Le Duc Tho: Your way of negotiation is worse than mine because you are always changing and you are always creating complicated questions. We have agreed that there are now two major outstanding questions. Let us discuss them.

Dr. Kissinger: That is what I am proposing.

Le Duc Tho: And if now you raise other questions then I will raise the question of 8(c) or other questions. So you waste too much time because we have agreed.

Dr. Kissinger: What happened last time? On Saturday, December 9, you said that if I accepted your formulation of Article 1 you would withdraw Article 8(c) and Article 5. I agreed. On Monday you reintroduced them as understandings. Everyone in Washington thought I had lost my mind.

Le Duc Tho: You agreed with us on the understandings regarding 8(c) as early as October 17. So you are not respecting the fact.

Dr. Kissinger: Have we had enough procedure now, or shall we discuss it longer? [Laughter]

Le Duc Tho: If now we agree to that, that we have those questions to be discussed on the procedure. Let us go into the question to discuss.

Dr. Kissinger: That is what I have proposed for the last hour.

Le Duc Tho: If you agree that these are the two major outstanding questions, let us go into them and discuss them.

Dr. Kissinger: I agree, these are two major outstanding questions that have never been settled. That isn't true either—on November 23 the DMZ was settled. It was agreed upon on November 23.

Le Duc Tho: But we discussed this matter until December 22. Then we agreed on the point except you wanted to add the word "civilian" and we disagreed to that. And the formula on the DMZ was proposed by you previously and I accepted, but afterward you wanted to add the word "civilian," so . . .

Dr. Kissinger: This is going to wind up like the other one. This is turning something into a high school debating exercise and it is going exactly like the other one and it is going to end like the other one. We proposed the formula on modalities of crossing together with the one about respecting each other's territory. Then we took that out, as well as the other phrase. Then I made clear to you on December 9, on instructions from Washington, that your phrase was totally unacceptable.

Le Duc Tho: No, your statement does not conform to facts.

Dr. Kissinger: I don't want to break well-established habit.

Le Duc Tho: The formula you proposed and I accepted it, you wanted to add the word "civilian."

Dr. Kissinger: Can you explain one rational reason to me why I should propose a formula which I withdraw after you accept it?

Le Duc Tho: On December 13 we accepted the formula you proposed, but you wanted to . . .

Dr. Kissinger: In a different context.

Le Duc Tho: You wanted to add the word "civilian" but we did not agree to the word "civilian." So when we talked privately on that day you explained to me that you wanted the words "civilian movement." My mind is clear on that.

Dr. Kissinger: I have achieved one thing. I have united Vietnam almost better than anyone else. Your compatriots in the south call me a traitor and you call me a liar. [Laughter] Your compatriots in the south accuse me of being fooled by you, you accuse me of following the instructions of them. Perhaps we should let you two negotiate.

Le Duc Tho: These are not our compatriots; this is Nguyen Van Thieu. Because our compatriots they are thinking in another way. Our compatriots want to see our country unified, because over thousands of years our country has been one.

Dr. Kissinger: Mr. Special Advisor, shall we try a little substance. We have had two hours of procedure. I propose fifteen minutes of substance and then another hour of procedure. Just to see whether we can do it. (Tho laughs)

Le Duc Tho: All these procrastinations on procedure stem from your side. I would have solved it in five minutes, because we abide by what has been agreed to.

I would like to propose a little break. It is one o'clock.

Dr. Kissinger: So that we can digest our achievements.

Le Duc Tho: Now let us define the procedure and we will go on to this question. And what we have agreed to in our message, in our private talks.

Dr. Kissinger: I propose to set aside Article 1, if we are going to continue to play these games. But I won't begin this negotiation by accepting a prohibition on issues I can raise.

Le Duc Tho: If you raise matters again, I will raise.

Dr. Kissinger: Then we will see.

Le Duc Tho: But I think that what we have agreed you should not raise again. I stick to what you have said in your message, and what I told you on December 13, and what we have agreed to in the messages, and what I told you on December 13. The record is already there. I propose a little break.

[There was a break of about an hour beginning at 1:00 p.m. during which a luncheon buffet was served to the U.S. side in the meeting room, while the DRV side adjourned to the upstairs. After about 45 minutes Le Duc Tho returned to the room and he and Dr. Kissinger engaged in private conversation for about 15 minutes, before the meeting resumed at 2:10 p.m.]

Dr. Kissinger: Negroponte is at the other meeting [with the experts].

Le Duc Tho: Please now, Mr. Advisor.

Dr. Kissinger: [laughs] I make the following proposal, Mr. Special Advisor. We will discuss the agenda as it is outlined, with the two outstanding issues of the signing and the DMZ. If in the discussion of

the understandings, however, issues are raised which in our view change the substance of the agreement, then we reserve the right to reopen the substance of the agreement. So on this basis after two hours of discussion we could perhaps have a few minutes of substance.

Le Duc Tho: So I would like to reiterate that in the agreement we have two major questions to discuss, and besides these two there are a number of specific questions that will be discussed too. After that we have a number of understandings. And this is the agenda. If we find difficulty in one question we may shift to another one. This is my proposal.

Dr. Kissinger: Obviously there can be no negotiation in which one side can be precluded from raising topics when it chooses, so let us proceed on this basis.

Le Duc Tho: Let us limit ourselves to the outstanding questions to discuss.

Dr. Kissinger: Let us proceed on this basis.

Le Duc Tho: Yes, there are now two major questions to discuss, the signing and the DMZ.

Now, regarding the DMZ, last time we handed you a formula. What is your view now on this?

Dr. Kissinger: What is my view with respect to the DMZ?

Le Duc Tho: The formula on the DMZ we gave you last time.

Dr. Kissinger: We cannot accept it.

Le Duc Tho: What do you propose?

Dr. Kissinger: We consider the best solution the solution of November 23. That is to say, we simply say "South and North Vietnam shall respect the Demilitarized Zone on either side of the Provisional Military Demarcation Line."

Le Duc Tho: You see, in the paragraph after "pending reunification," there are three paragraphs, (a), (b), (c).

Dr. Kissinger: We think it should be (b).

Le Duc Tho: But (c) is a separate paragraph. Regarding (c) we adopted now the formula that had been proposed by you.

Dr. Kissinger [laughs]: It is a . . . the formula was proposed in a different context, Mr. Special Advisor.

Le Duc Tho: There are no changes to this formula. The situation has not changed after ten days. After ten days the situation has not changed at all.

Dr. Kissinger: When I said "in a different context" I did not mean in the context of the events of these ten days. I meant that when we proposed that sentence we proposed it in the context of the language about "both sides shall respect each other's territory." That is the con-

text of which I am talking. It was proposed on the same day and in the same package where we said "respect each other's territory." And in order to ease that we were willing to put in this sentence. When you rejected "respect each other's territory" you also rejected this sentence.

Le Duc Tho: No. When we rejected your proposal . . . but it is not true. When we rejected your proposal on the mutual respect of each other's territory you said to drop this part of the sentence. Then you proposed the formula that "among the questions to be discussed there are the modalities," and so on. So you drop the words "respect each other's territory" but you maintain your sentence in (c) regarding the movement across the Provisional Demarcation Line.

Dr. Kissinger: It was part of a package. I do not have all the elements of the package in front of me now, but it is irrelevant. It was at any rate part of a package which implied something about your forces. At any rate we cannot accept this sentence as it stands. I told you so last . . .

Le Duc Tho: You dropped the phrase "respect for each other's territory," but you maintained the "modalities for movement across the military demarcation line." You wanted to add the word "civilian." We disagreed to the word "civilian." You wanted to determine the modalities for civilian movement across the DMZ.

Dr. Kissinger: Tomorrow I will bring my records of these meetings. We will have a happy week this way, worthy of the discussions we have been having. It won't settle it but it will be fascinating. All I know was we presented this sentence as part of a package, this sentence about modalities of movement. That package has since been destroyed. It is unacceptable. It is therefore senseless to keep quoting it. If we can add the word "civil," then we have a possibility.

Le Duc Tho: You propose the word "civilian." We disagreed to it last time. I think because the Demilitarized Zone is already there, there is no "military" in it. So the modalities to be agreed upon for movement will include modalities for civilians.

Dr. Kissinger: Why do you mind putting it in then?

Le Duc Tho: Because in the modalities for movement it implies civilian movement because the DMZ—Demilitarized Zone—in itself is a demilitarized zone. There is no military in it.

Dr. Kissinger: Are you telling me you are holding up an agreement because you won't put in a word that is already implied in it?

Le Duc Tho [laughs]: Because we accepted your phrase on the modality of movement.

Dr. Kissinger: I don't want to hear that any more. You are saying you are making a concession to me in making a phrase that we are rejecting. Don't insult our intelligence.

Le Duc Tho: You have corrected it.

Dr. Kissinger: I accept your phrase on respecting the Demilitarized Zone. That would be the easiest way of settling it.

Le Duc Tho: So our views still differ on that question. Let us now see about the signing and then we will return to that question.

Dr. Kissinger: Well . . .

Le Duc Tho: We have expressed our views regarding the signing of the agreement last time. In our view, once we have agreed on the text of the agreement then the signing is not a very great question. Because throughout the negotiations over the past four or five years all the four parties have been talking at Kleber Street. Although they do not recognize one another. But in practice they have been sitting together. Therefore if now we achieve the agreement, then the DRV and the US sign the agreement and after that the four parties will sign the agreement, it will be in the interest of the good implementation of the agreement. And the signature of the agreement does not mean the recognition of each other. In our view it is all the better if now the agreement is signed by the two parties and then by the four parties. And it testifies to the fact that the Paris Conference has been participated by the four governments. I expressed my view on that question before December 13.

Dr. Kissinger: I know, you have expressed your view, Mr. Special Advisor, and we explained to you why it was not possible. There are in our view three possibilities of signing this agreement. First is that you and we sign as was foreseen in October, with nobody else. This was the formula of October. The second is that all four parties sign. In that case there has to be no reference to either the PRG or the Government of the Republic of Vietnam in the text of the agreement or in the titles of those signing. The third possibility is the one you proposed and then withdrew, that you and we sign the entire text including a Preamble that mentions the PRG and the Government of the Republic of Vietnam, and that then the PRG and the Government of the Republic of Vietnam sign a copy of the agreement without the Preamble but containing every last one of its obligations. Each sign a separate document. In that case each side would have all its obligations and we would have made the concession of signing a document that mentioned the title of the PRG in the Preamble.

Now we both recognize what will happen in the post-war period. The PRG will claim to be a government and the Government of the Republic of Vietnam will deny it. That is a fact, and events will determine the outcome of this. But we cannot settle that issue by the form of signature of the agreement, and to attempt to do so raises a major substantive problem.

Le Duc Tho: You have misunderstood the proposal on the way of the signing I proposed last time. The day before I proposed that the agreement would be signed by the two parties and the four parties. I said that on the same text of the agreement. On a copy where the name of the PRG and the name of the GVN appear, the US and the DRV will sign it.

Dr. Kissinger: Right.

Le Duc Tho: On the same copy, the same text, and with a Preamble that has the GVN and the PRG, and the United States and the DRV.

Dr. Kissinger: Right. We agree and we have accepted that.

Le Duc Tho: On the text, the separate text, to be signed by the PRG and the GVN there will be the name of the governments but the Saigon people will sign a separate copy and the PRG will sign a separate copy. So the way of signing I propose is actually this, but not the way you propose with different Preambles.

Then the following day I had another proposal. Then the following day I proposed that besides the text of the agreement to be signed by the DRV and the US there would be another copy of the agreement with the name of the four governments and signed by all the four parties. You have not accepted that proposal. And then the previous proposal you have misunderstood my idea. So that on that day I proposed three copies: The US and the DRV will sign one copy where there are the name of the PRG and the GVN, "the DRV with the concurrence of the PRG; the US with the concurrence of the GVN."

Dr. Kissinger: I understand.

Le Duc Tho: As to the other two copies, they have the names of the two governments in the Preamble, but Saigon will sign a separate copy and the PRG will sign a separate copy. This is the proposal I made the day before.

Dr. Kissinger: First, it doesn't make any sense for either the GVN or the PRG to sign a copy which has a Preamble that is relevant primarily only to the US or the DRV. Second, it doesn't make any sense to have three copies unless it is a way to avoid the difficulty we have described. And if we want to take the realistic—and I must say understanding—view of each other's situation we would not attempt to settle that problem now. In October you were prepared to have nobody sign the agreement—just you and us. At that time Saigon could have said they don't recognize the agreement and you could have done very little. Or they could have acceded by a letter. Then you were worried that if Saigon acceded by a letter they would say there were certain provisions they did not agree to. Now we are proposing a formula by which they sign every single clause of the agreement. But if you persist and try to go beyond this and try to settle an issue that should be left to the future . . .

Le Duc Tho: In our previous discussions you yourself recognized the reality of South Vietnam, that there are two different governments, two different armies and two different regions. And in reality these two governments have diplomatic relations with various countries in the world. They have not only a real role in the country but also some position in the world scene. Afterward you wanted to wipe out any mention of the PRG in the agreement. So in the text of the agreement you wanted to delete anything relating to the PRG. In the signing of the agreement you wish not to mention at all the PRG. Even the protocol on the Two-Party Joint Commission you weren't willing to discuss it. So you wanted to deny the reality that you agreed to in our discussions in October, that there are two governments, two armies and two different regions. Moreover in the agreement there has been mention of this reality.

Dr. Kissinger: Where?

Le Duc Tho: In many places, many places. And I have told you that it is a matter of principle for us. There cannot be the removal of the PRG from the agreement. Therefore these questions are related. To avoid the problems of four-party signing we have said that there will be three documents, with separate signature by Saigon and the PRG but with the name of the PRG and the GVN in the Preamble.

And moreover we wish also to have mention of the PRG in the agreement too, not many but one or two places just like the GVN.

Dr. Kissinger: But just one minute. This is just absolutely inadmissible. I am just going to stop the discussions altogether if the Special Advisor thinks he can raise issues that have been settled six times but I cannot raise issues. As it is, we have agreed that the PRG is mentioned only in the Preamble. The GVN is mentioned only once. I am prepared to drop it altogether. We are not asking anything special for the GVN. We are willing to treat them exactly as the PRG. But we will not keep playing games. Now he is saying the PRG has to be mentioned two or three times in the agreement. That has been settled two or three times. I will not continue the discussions at all if now we are told the PRG has to be mentioned two or three times in the text when it is already mentioned in the Preamble. He is trying to sell me the same concession six times. That is more of a point than Article 1.

Le Duc Tho: What I want to say here is your intention, general intention, is to remove the PRG.

Dr. Kissinger: We have agreed that the PRG is not to be mentioned in the text of the agreement. I am even prepared to eliminate the GVN from the text of the agreement. That is no secret. The Special Advisor did not discover any hidden intention. That has been understood since November. Innumerable times now we have agreed to this procedure and now it comes up again. There is a big difference between my

saying I recognize certain realities in South Vietnam and trying to force legal recognition on parties that are contesting it. I have said that I see certain realities in South Vietnam, but that is quite different from trying to force the GVN to recognize this in any binding form at this particular moment. This is an absolutely impossible way to proceed.

Le Duc Tho: We are talking about the way of signing. I propose the agreement be signed by the two parties and then by the four parties.

Dr. Kissinger: Well, I have already rejected that, so let us go to something else.

Le Duc Tho: If now this agreement will be signed by the two parties then by the four parties, then we add nothing to the agreement. The agreement being signed by the four parties will reflect only the reality that the four parties participated in the Paris Conference for over four years now.

Dr. Kissinger: We have offered you a way of doing it by saying the four parties but not mentioning them, by signing by the representatives of the four parties without mentioning them. That way we can get it signed by the four parties. It is a major concession of the US to sign a document that mentions the PRG.

Le Duc Tho [laughs]: The agreement will be signed by the four parties without any title at all! Then anyone can sign it.

Dr. Kissinger: Anyone can sign it only if he can say . . . All right, strange documents have been signed before. Our problem is, do we want a real solution or do we want to continue to play games?

Le Duc Tho: Yes, we want a real settlement, but there should be some legal signature in this.

Dr. Kissinger: No one is going to forget Madame Binh very easily and I do not suppose there are two Madame Binhs in the world.

Le Duc Tho [laughs]: There may be two women . . .

Dr. Kissinger: More than one is more than the planet could stand. [Tho laughs.] Not even Chairman Mao could go through that.

Le Duc Tho: There are many women named Nguyen Thi Binh.

Dr. Kissinger: That may be true, but you can put a picture next to the signature of each man and woman so that they know who it is! So I think if we say the four parties of the Conference in the Preamble, and the four signatures, that will take care of it. [Tho and Thach confer.] Or they can put their fingerprints on it. I have any number of ideas.

Le Duc Tho: In November you proposed that the agreement will be signed by four parties, and in the preamble there is no mention of the governments but in the signature there is the title of the signatories. Now you withdraw the titles of the signatories.

Dr. Kissinger: Yes, it just gives the title Foreign Minister.

Le Duc Tho: Foreign Minister of the PRG?

Dr. Kissinger: Foreign Minister of France. [Tho laughs.]

Le Duc Tho: Or Foreign Minister of no country at all?

Dr. Kissinger: I would like to see a negotiation between the Foreign Minister of France and the Foreign Minister of the PRG. That would go on for all eternity. Under this formula of three different documents it could be signed by her with the title of Foreign Minister of the PRG.

Le Duc Tho: Yes, if the signing will be separate, then there should be the title of the signatory. There is no sense to sign separately and no title at all.

Dr. Kissinger: Yes. But if I follow the Special Advisor's methods, I would first say no name, then I say no title and then as a special concession I would yield.

Le Duc Tho: [laughs] It is a great concession of yours.

Dr. Kissinger: Well, we have now discussed two topics and we have advanced not one bit from where we were in November.

Le Duc Tho: I have told you that the signing of the agreement does not mean the recognition of each other, so I think that the agreement may be signed by four parties but the parties do not recognize one another.

Dr. Kissinger: That is easy. We can do this. As far as the GVN is concerned that is senseless; it cannot be done. There is a limit to what we can impose. This is one of those limits. In October you recognized the realities and you did not even ask for the signature of the GVN. In any form. Not even in a letter, because you knew very well what would happen. We are willing to go to that formula.

Le Duc Tho: But the situation was different in October from what it is now. We wanted to settle with you and have the two parties sign the agreement. But now the Saigon Administration do not want to sign the agreement. They want to undermine the agreement. And moreover they did not accept the PRG in the text of the agreement. That is why we propose this way of signing. If now the agreement is reached, then the four parties will sign.

Dr. Kissinger: I don't think it will be reached. I don't think we will have that embarrassment.

Le Duc Tho: Then each party can issue a statement saying they do not recognize the other parties.

Dr. Kissinger: I have told you what our problem is. I have given you three possible ways of dealing with it.

Le Duc Tho: So I propose the following: that the agreement be signed by the two parties and then by the four parties. You disagree to that.

Dr. Kissinger: That is right.

Le Duc Tho: So today we have discussed two questions but we have not reached agreement.

Dr. Kissinger: That's putting it mildly.

Le Duc Tho: Therefore I propose we adjourn now and tonight you think over the problem, I will think over the problem, and both sides try to find out the formula. Because I think if I maintain my stand you will not accept it.

Dr. Kissinger: That is right.

Le Duc Tho: But if you maintain your stand I will not accept it. If you maintain your stand and I maintain my stand we can come to no settlement. So we should think it over.

Dr. Kissinger: How about the DMZ point? Oh, is he going to think that one over too?

Le Duc Tho: We should think that over again. I will consider your views and you consider my views. We shall find out a way to solve this question. We should carefully think over both sides.

Dr. Kissinger: The only thing that worries me is that we have had three weeks to think it over. And we have spent 2½ hours discussing what we should discuss. We have spent less time—an hour—on substance, repeating word for word what we have already said. So I wonder what good these consultations are.

Le Duc Tho: You will consider my views and I will do the same regarding your views and to find out how we can come to an agreement tomorrow. If we take into account each other's views we can find out a way to solve these questions. This is what I am saying. You should think it over.

Dr. Kissinger: But we have also quite a few understandings to discuss. Since we have already spent a day on two sentences I must again point out the limitations under which we operate. But we have no choice. We cannot force you to go at a pace faster than you are willing to go. But we will give it enough time to determine whether there is a serious discussion. It will not be easy to conclude that from today.

Le Duc Tho [laughs]: But you maintain your stand as it was. All your proposals are there. You have not changed them and there is no idea to come to a compromise.

Dr. Kissinger: It is awfully hard to find a compromise when there is one word that is at issue. Do you want us to split it in half? [Laughter]

Le Duc Tho: No, if efforts are exerted by both sides then we can settle this question.

Dr. Kissinger: Well, we shall see. Our position was communicated to you. You knew it exactly. You knew exactly what our position was

with respect to the signing. It could not have come as a surprise to you. You knew exactly what our position was with respect to the DMZ. That could not have come as a surprise to you.

Le Duc Tho: But we also expressed to you our stand regarding the signing and the DMZ.

Dr. Kissinger: No, I am talking of the messages we sent you since then.

Le Duc Tho: We understand your thinking. But we have our stand, and we have expounded it to you today, and previously we told you about that.

Therefore I propose that we should think over each other's point of view. I will consider your point of view. Tomorrow we will discuss and we will find a way. But careful study of each other's views is necessary.

Dr. Kissinger: What time do you suggest? Eleven? It is up to you.

Le Duc Tho: Shall we meet at ten o'clock? We will have more time.

Dr. Kissinger: It is fine with me. Can we agree that I will not read in Mr. Randal tomorrow what happened today?

Le Duc Tho: I agree. I never divulge anything.

Dr. Kissinger: Of course it wouldn't fill many paragraphs if you did tell him what we did.

Le Duc Tho: But be assured that if you make an effort we will make an effort to settle the problem. And we should take into account each other's views in an adequate way.

Dr. Kissinger: Well, it is not obvious from today but we will try again tomorrow. We shall meet tomorrow at the golf course? You bring your clubs. [Laughter]

Le Duc Tho: I have not been to that place yet. But if we come to a new place probably you will have new ideas.

Dr. Kissinger: We have given you our ideas. And on the understandings it is possible to show some more flexibility. On the text of the agreement we have told you our absolute difficulties—privately and I have told you on the record at these meetings—and it really now comes to a question of whether you seriously want to settle or attempt things which are not achievable.

Le Duc Tho: I told you that for the purpose of solving the matter we have come here. If not we would not have come here.

Dr. Kissinger: I thought it was for sharpening up our exchanges for when we go on the lecture circuit together teaching the diplomacy of stalemate . . . the lectures to our classes.

Le Duc Tho: It may happen that we can't find a solution for months but only in a few hours we can find a solution.

Dr. Kissinger: Well, we have frankly only a few hours left. We don't have months. Whatever hours that are left.

Le Duc Tho: So I repeat, we should endeavor to make an effort and we should fully understand each other's necessities. In that spirit I am convinced that we can find a solution.

Dr. Kissinger: All right. Ten o'clock tomorrow at the golf course. And any of your colleagues who play golf can bring their clubs.

Ambassador Sullivan: Small arms.

Dr. Kissinger: We will play afterwards. Ambassador Sullivan will give lessons. I don't play. That is where the Foreign Service gets promoted, on the golf course.

Le Duc Tho: I would like to have longer sessions with you but this period I am a little tired.

Dr. Kissinger: It is up to you.

Le Duc Tho: Yes.

Dr. Kissinger: Should our experts meet tomorrow?

Le Duc Tho: They should meet continuously.

Dr. Kissinger: Here? Ten o'clock or three o'clock?

Ambassador Sullivan: 10:30.

Le Duc Tho: Let them decide over there.

Dr. Kissinger: All right.

Le Duc Tho: Because once we settle the agreement here then the protocols will be settled rapidly. But in any case the protocol contains many more complex things than the agreement. Sometimes there are more questions.

Dr. Kissinger: But we should settle the principles of the protocols while I am here. There will be no other occasion to do it.

Le Duc Tho: I agree.

Dr. Kissinger: When we have the agreement finished we should then turn to the principles of the protocols. And the understandings.

Le Duc Tho: I agree.

Dr. Kissinger: Do you have a program on Hanoi television called "Issues and Answers" so I can answer the Minister?

Xuan Thuy: It is up to you! [Laughter]

Dr. Kissinger: It was a very skillful performance.

Xuan Thuy: Because you forced me into it.

Le Duc Tho: He had to answer you.

Dr. Kissinger: Amateurs should not compete with professionals. It takes me 20 minutes to distort one fact; it takes him one minute to distort 20 facts.

Le Duc Tho: But the matter of the International Commission was not discussed between you and me but you said we wouldn't give them telephones and jeeps.

Dr. Kissinger: That was discussed at Neuilly. But I didn't tell them that you offered them buffalo carts!

[The meeting then adjourned.]

43. Memorandum of Conversation¹

Paris, January 9, 1973, 9:58 a.m.–3:45 p.m.

PARTICIPANTS

Le Duc Tho, Special Adviser to DRV Delegation to the Paris Conference on Vietnam

Xuan Thuy, Minister, Chief DRV Delegate to Paris Conference on Vietnam

Phan Hien, Delegation Member

Trinh Ngoc Thai, Delegation Member

Nguyen Dinh Phuong, Interpreter

One Notetaker

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs

Ambassador William Sullivan, Deputy Assistant Secretary of State

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 866, For the President's Files (Winston Lord)—China Trip/Vietnam Negotiations, Camp David Memcons, January 8–13, 1973 [January 23, 1973]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at La Fontaine au Blanc, St. Nom la Bretèche. All brackets are in the original. The tabs are attached but not printed.

Kissinger began his report for Nixon on the day's proceedings by stating: "We celebrated the President's birthday by making a major breakthrough in the negotiations." Kissinger then explained that he and Le Duc Tho had agreed to phrasing in the text of the agreement about the Demilitarized Zone that reflected the U.S. position, and had also made substantial progress toward finding an acceptable way to sign the agreement. Looking ahead, Kissinger added, "we now have to figure out a way to get Saigon aboard."

Kissinger believed that the agreement would be completed over the next few days, possibly by Friday, January 12. He cautioned, however, that the "Vietnamese have broken our heart several times before, and we just cannot assume success until everything is pinned down."

Despite the day's successes, Kissinger let the President know that that progress remained fragile and that a critical element in that progress was the secrecy of the negotiations. On this he wrote:

"I cannot overemphasize the absolute necessity that this information be confined to the President alone. There must not be the slightest hint of the present status to the bureaucracy, Cabinet members, the Congress, or anyone else. If a wave of euphoria begins in Washington, the North Vietnamese are apt to revert to their natural beastliness, and the South Vietnamese will do their best to sabotage our progress. Furthermore, we cannot afford to raise expectations before everything is firmly in concrete. A great deal

Winston Lord, NSC Staff
 David A. Engel, NSC Staff, Interpreter
 Peter W. Rodman, NSC Staff
 Miss Irene G. Derus, Notetaker

[Before the meeting started the group gathered in a sitting room off the meeting room for informal conversation. The meeting began about 10:00 a.m.]

Dr. Kissinger: I wanted to send the Special Adviser a message last night to comment on the slow progress of the people working on the protocols. But he has already anticipated me and offered a practical solution.

Le Duc Tho: I think that for more rapid discussions it would be better that Ambassador Sullivan and Mr. Thach should meet each other. They have more authority to settle the problem.

Dr. Kissinger: I agree.

Le Duc Tho: Now they are meeting already.

Dr. Kissinger: Is Mr. Thach with the other group today?

Le Duc Tho: Not yet. He is at Choisy at the moment. If the two come to join today there can be a meeting tomorrow or this afternoon.

Dr. Kissinger: All right, I agree. I think it is better because Mr. Sullivan has authority and my complete confidence, and I think yesterday the progress was too slow at the meeting of the experts. So we could arrange that Mr. Sullivan join the experts after lunch, if Mr. Thach will do the same thing.

Le Duc Tho: Yes, it is possible.

Dr. Kissinger: All right. Then say Mr. Sullivan will be there about 2 o'clock. You can use the telephone. Maybe your people at Gif could tell Mr. Aldrich that Mr. Sullivan will be out about 2 o'clock, and Mr. Thach, because you have telephone communication.

Le Duc Tho: Yesterday they were too loyal. They fight about the terminology.

Xuan Thuy: There were points that had been agreed previously and yesterday they were raised again.

of work remains on the protocols. We must keep in mind how often Hanoi has pulled back from agreements before. And we in any event still face a massive problem in Saigon. Therefore it is certainly premature to celebrate even privately.

"What has brought us to this point is the President's firmness and the North Vietnamese belief that he will not be affected by either Congressional or public pressures. Le Duc Tho has repeatedly made these points to me. So it is essential that we keep our fierce posture during the coming days. The slightest hint of eagerness could prove suicidal." (*Foreign Relations*, 1969–1976, vol. IX, Vietnam, October 1972–January 1973, Document 256)

Dr. Kissinger: That was our impression. We thought maybe you had instructed them to do this.

Le Duc Tho: Because they haven't enough authority. Shall we begin now?

Dr. Kissinger: Please.

Le Duc Tho: Today then you should also find out new formulas. [Kissinger laughs] So every time you come here you said that you want a rapid settlement and with seriousness. You made the same statement this time too. I believe that you will make an effort then to come to a rapid settlement but we shall see how you will resolve the problem. But I should say that if you are serious in finding a rapid solution, we will do the same. But in order to prove our seriousness and good will to find a rapid solution, we should adequately take into account each other's attitude. Naturally, there should be mutual concession and there should be reciprocity. If one keeps one's own stand then no settlement is possible. Do you agree with me on these lines?

Dr. Kissinger: I agree with you, Mr. Special Adviser.

Le Duc Tho: Now there are two questions to be solved. First the DMZ. Now regarding the question of the DMZ, you propose to add the word "civilian."

Dr. Kissinger: "Civil."

Le Duc Tho: "Civil." But we prefer the words "to determine the modalities for the movement of the population across the Provisional Military Demarcation Line." We prefer the word "of the population" because it is more suitable for the Vietnamese language. We do not use the word "civil." In substance the two words are the same in Vietnamese. It is an effort on my part to find out a way to meet your proposal.

Dr. Kissinger: The Special Adviser said yesterday that the DMZ doesn't have military people in it by definition.

Le Duc Tho: No military. There is no military in it.

Dr. Kissinger: So we could accept what the Special Adviser has in mind if we add to it this phrase: "consistent with the special character of the DMZ and with the provisions of this Agreement and its protocols."

Le Duc Tho: Please read the whole sentence.

Dr. Kissinger: It would say "... are the modalities of movement across the PMDL"—if you want, "of the people" instead of "population"—"consistent with the special character of the DMZ and with the provisions of this Agreement and its protocols." [They confer.]

Le Duc Tho: Please elaborate. I am not clear yet. Please elaborate what you mean by "consistent with the special character of the DMZ, agreement and protocols."

Dr. Kissinger: The Special Adviser has said two things to me. [Hien confers with Tho.] I think he is worse than Thach. [Laughter] I propose we send him to Gif also. Get all the trouble makers to Gif and then the Special Advisers settle it among themselves. The Minister can stay with us out of old friendship, to give him ammunition for his next television appearance.

The Special Adviser has said two things to me. One is that the DMZ is by definition demilitarized, so there are no military people in it. This is what we mean by the special character of the DMZ. Secondly, he has said that the agreement prohibits infiltration. This is what these two clauses mean. And it does permit a certain amount of logistic support, and that would also be permitted, under supervision.

Le Duc Tho: I think when we add the words "modalities for the movement of the people" it already reflects the demilitarized character of the DMZ already. As to the agreement and the protocols, there are two provisions as you say. That is to say, first, "the two South Vietnamese parties shall not introduce armaments and war materials into South Vietnam," and second, the provision on the replacement of armaments. And regarding these tasks, in the agreement there are already provisions explicitly defining the task of the International Commission and the Joint Commissions. Therefore we think that you should not add the phrase "consistent with" and so on and so on, because it implies many provisions and not only the two provisions I have just mentioned. I think that if you add "consistent with the provisions of the Agreement and of the protocols" it includes too many provisions and it is not clear. Moreover, the two provisions that you have in mind; that is to say the introduction of armaments and war materials by the two South Vietnamese parties and the provisions on the replacement of armaments, these two tasks have been explicitly stipulated in the provisions of the agreement for the International Commission and the Joint Commission to supervise. And in this connection in the protocol it will be discussed in detail. Therefore, I think if you put "the modalities for the movement, the people's movement or the movement of the people," it is adequately and explicitly reflecting the demilitarized character of the DMZ.

Dr. Kissinger: In English, "of the people" is really not very precise. "Civil" would be precise. If you say "of the people," then military people are people too. I admit it takes two military to make one human being but still it accumulates. [Laughter]

Le Duc Tho: In my mind in Vietnamese when we use the word "of the people," in substance it is civil movement. But in Vietnamese it is often used, "of the people," and "civil" is not often used. And when we speak of "of the people," it does not include military men at all.

Dr. Kissinger: Well, my knowledge of Vietnamese is not yet perfect, so I can't argue with the Special Adviser about his use of those two

terms. But in English if you say “of the people” it doesn’t mean anything. Secondly, I don’t understand why we cannot say as we said. If you use the phrase “civil” that makes it clear; if we add the phrase “consistent with the special character of the demilitarized zone,” that also makes it clear. But without those in English it is very vague.

Le Duc Tho: So now I think that if you want to use the word “civilian movement,” then we can accept that, but without adding the words “consistent with.”

Dr. Kissinger: All right. If you do that, we will drop the word “consistent with.”

Le Duc Tho: “Civilian.” Let me read the whole paragraph. “Pending reunification: (a), (b), (c) North and South Vietnam shall promptly start negotiations with the view to reestablishing normal relations in various fields; among the questions to be negotiated are the modalities for civilian movement across the Provisional Demarcation Line.”

Dr. Kissinger: Provisional Military Demarcation Line. I don’t care. And I would suggest a period instead of a semicolon. It is a better English. Make a new sentence. We accept it.

Le Duc Tho: So settled, this question.

Dr. Kissinger: Settled.

Le Duc Tho: So very rapidly settled.

Mr. Engel: [To Mr. Phuong] I would like to hear it in Vietnamese.

Dr. Kissinger: I have another saboteur on my left, where they usually are.

[Mr. Phuong reads the text in Vietnamese.]

Dr. Kissinger: Good. Only one more issue left. Only six more weeks.

Le Duc Tho: We have proved our good will and serious intent. Now regarding the question of the DMZ, really we have made a concession to you and we have accepted your formula: therefore, in the signing question you should concede to me.

Dr. Kissinger: Mr. Special Adviser, since we are practically at the end of the agreement—we have agreed now on all its provisions except the form of signing—if this were a matter which was in my power to concede, to show good will I would do it. But it is not a matter that is in our power to concede. And as I have told you, and as your own information must indicate to you, even with these changes we will have an incredibly difficult task in Saigon. If they are asked to accept the PRG in the signing, they will have a pretext which will simply lead to a refusal of signing. We are prepared to sign the document mentioning the PRG; that is a big concession from us. That we have not told Saigon yet. But they simply will not do it. I know it.

Le Duc Tho: I have on many occasions heard this statement of yours on this subject, but it is always my view that the final decision

is by you. Moreover, the practical situation over the past four years is that the four parties have been negotiating together. Now at the end of the negotiations, that the four parties will sign the agreement is something conforming to this reality. If now the agreement will be signed by the four parties with the name of the four governments in the Preamble, and in the final provisions with the mention of the four governments, and they will be signed by the four foreign ministers, then it will be best. And if the two parties, the DRV and the U.S., will sign, it is good too—if you and I will initial the agreement, and the agreement will be signed by the four parties. Only because I think that this way of signing will find the parties to implement correctly and strictly the agreement. Only this way binds us to implement the agreement but also binds the Saigon Administration to implement the agreement. Moreover, the provisions you have agreed to—the provisions of the agreement—I think that Saigon people will agree also to the provisions of the agreement.

Dr. Kissinger: Let us separate two things. We are prepared to use extreme pressure to convince Saigon to accept the provisions of the agreement. And in recent weeks the President has taken extremely drastic measures vis-à-vis Saigon in this respect. So we are not now arguing about the provisions of the agreement. We are arguing about how to produce a valid commitment to the provisions of the agreement.

Now we are prepared, as a sign of our good will, to eliminate even the one reference that is left to the Government of the Republic of Vietnam in the text of the agreement, so then the PRG and the GVN are on exactly the same level. But it is our judgment that it will be absolutely impossible to obtain a signature of the GVN to a document that lists the PRG, and therefore we propose that the GVN sign all the provisions except the Preamble—the Preamble contains no obligation anyway—and that you and we sign the whole agreement and that the PRG and GVN sign separately an agreement in which neither is mentioned anywhere. And this means acceptance of all the provisions of the agreement. Legally this obligates them to carry out every single provision.

Le Duc Tho: I have told you that I disagree to this formula, and I think there is no reason at all that now since all the provisions of the agreement have been agreed to and the parties do not sign these provisions of the agreement.

Dr. Kissinger: No, the parties should sign the provisions of the agreement. The only difference is in the Preamble. After all, as the Special Adviser knows, Saigon has never accepted that this is a four-party conference. They always claim it is a two-party conference.

Le Duc Tho: Actually it is a four-party conference—four parties and two sides.

Dr. Kissinger: Mr. Special Adviser, I think if we want a very rapid settlement, which we seriously want, then I believe that the formula that we have proposed is the most rapid way of concluding it. And we will be prepared, as I said, to eliminate the reference to the Republic of Vietnam in Article 3(a) so that there is no reference at all any more to either of the two sides.

Le Duc Tho: This is one thing but the signing is the other one.

Dr. Kissinger: I recognize this, but we are now talking about a rapid process. And the Special Adviser must know it from his own information from Saigon, first, that we have already made a major effort, and second, that this agreement as it stands is highly unacceptable to Saigon and that we will have an overwhelmingly difficult task to get their approval even with very extreme threats. But if they are also asked to sign an agreement which lists the PRG, then no threat will work. Then they would rather take all the consequences and then we will not get their signature. And then what they may do is what Dulles did in 1954 and this would be a worse situation for you.

The only other possibility is that we put in the Preamble “The Government of the United States of America and the Government of the Democratic Republic of Vietnam, with the concurrence of the two South Vietnamese parties” and then it can be signed by all four parties. But they don’t have to do it at the same time. [They confer.]

Mr. Phuong: “The two South Vietnamese parties, namely . . .?”

Ambassador Sullivan: No.

Dr. Kissinger: We don’t mention either one by name. And no titles. [They laugh.] But Madame Binh should put her fingerprint on. Ambassador Sullivan says “or a toothmark.”

Le Duc Tho: Is it possible this way now? The U.S. and the DRV will sign the agreement with the names of the four governments in the Preamble, the names of the four governments in Article 23; then the two South Vietnamese parties, the Government of the Republic of Vietnam and the PRG, will sign separate copies with the name of the governments.

Dr. Kissinger: No. That’s the problem.

Ambassador Sullivan: But with or without the name of the government?

Mr. Phuong: With. They sign the two separate copies.

Ambassador Sullivan: In both Article 23 and the Preamble?

Dr. Kissinger: [To Ambassador Sullivan] It isn’t in the Preamble now.

Le Duc Tho: Because Article 23 deals with the coming into force of the agreement. Since the agreement will be signed in three copies, therefore the Article 23 should be redrafted.

Dr. Kissinger: That is correct.

Le Duc Tho: But the two South Vietnamese parties will sign separate copies with the name of the government in the Preamble and in Article 23.

Dr. Kissinger: We do not object, for our part, to put the name of the PRG—even though it is not now in the text—in Article 23 into our copy. We could say “comes into force upon the receipt of separate signatures.” We have a phrase for it which lists the PRG but then that should be deleted in the copies signed by Saigon and the PRG. But let me read Article 23 in our joint draft: “This Agreement shall enter into force upon signature by the representatives of the Government of the United States of America and the Government of the Democratic Republic of Vietnam and upon signature by a representative of the Government of Vietnam and by a representative of the Provisional Revolutionary Government of South Vietnam of an Agreement in the same terms.” In other words, we are mentioning the PRG twice in our document.

Le Duc Tho: I understand. Now regarding the signing by the two South Vietnamese parties. In my view, the copies signed by the two South Vietnamese parties should also contain a Preamble with the name of the government and in Article 23.

Dr. Kissinger: No, it should not have a Preamble and a different Article 23. This is the Article. [Hands over Tab A.] The obligations would be the same.

Le Duc Tho: We have put forward many formulas but all of them are unaccepted by you. I don’t know what you want. Now you decide to have a rapid settlement and therefore we have made a concession on the DMZ. Now you should accept one of our formulas.

Dr. Kissinger: There is actually a mistake in there. It should say “of the other South Vietnamese party.” “This Agreement shall enter into force upon signature by representatives of the other South Vietnamese party, of the Democratic Republic of Vietnam and the Government of the United States of America of an Agreement in the same terms.”

Le Duc Tho: So I have proposed two formulas but they have been rejected by you. I have proposed the formula signed by two parties, then by four parties, then by the two South Vietnamese parties separately.

Dr. Kissinger: Mr. Special Adviser, in this respect I think our interests are the same—to get a rapid settlement. And I genuinely believe you are better off to have the South Vietnamese signature to all the obligations of the agreement than to have a signing formula about which Saigon says it will do what John Foster Dulles did in 1954, of simply saying they will not sign the agreement but they will adhere to it.

Le Duc Tho: So this will not be an agreement then. How can we peacefully settle?

Dr. Kissinger: No, there will be an agreement. They will be forced to implement, because they are obligated to every single provision of the agreement. They are obligated to carry it out. What differs is the Preamble, which has no obligations, and the implementing provision which has also no obligation.

Le Duc Tho: But what is important is that at present there are two governments in South Vietnam. If now these two governments do not recognize each other then how can they discuss at the four-party Joint Commission, two-party Joint Commission? And after the ceasefire the two South Vietnamese have to sit together and negotiate. Moreover, now we both want that there will be peace in South Vietnam and lasting peace, durable peace. Without the recognition of these two South Vietnamese parties, even when the ceasefire is observed then peace is very difficult to be maintained. We, the DRV, we want to sign an agreement which will be strictly implemented and we want to have lasting peace and durable peace.

So I think it is also the desire of the United States to have the same objective. If so, there is no other way [but] that we both should make the two administrations in South Vietnam recognize each other and to join hands with each other to respect the agreement. Then that will lead to peace. Naturally this objective should be realized step by step to come to a good solution, but now even in the first step it is already an obstacle. And I wonder what the two South Vietnamese parties will say when they are in the Four-Party Joint Commission.

Dr. Kissinger: I have often wondered.

Le Duc Tho: When they are facing each other.

Dr. Kissinger: I am waiting for Mr. Duc and Madame Binh to be in the same room together.

Le Duc Tho: I think that if this cannot be settled then it is very difficult to maintain peace in South Vietnam. But I think that when one wants peace then one can settle this part. Even we and you sit together and speak together. We have been fighting for a dozen of years now, very fierce, very violently, and how is our people's attitude toward you, you are aware. But when we want peace we can sit together and speak to each other. I think among South Vietnamese when they want peace they can sit together and talk together unless they do not want peace. And I am of the view that when peace is maintained in South Vietnam, it is in the interest of the Vietnamese people but also the American people. So it is in this intention we make this effort, so that the agreement will bind all the parties and will make the South Vietnamese parties agree and sign together and talk to each other.

Dr. Kissinger: Are you finished, Mr. Special Adviser?

Le Duc Tho: [Nods yes]

Dr. Kissinger: Mr. Special Adviser, I agree with your sentiments and I agree with your objectives completely. I think it is important that the agreement be strictly observed. I think it is important that the South Vietnamese parties sit down together to discuss. And I think it is in the interests of the Vietnamese people and of the American people that the conflict in Vietnam finally stop.

Le Duc Tho: Right.

Dr. Kissinger: I was very moved in October when the Special Adviser said on October 11 that what we want is not an armistice, but a peace, and that is our sentiment also. And with all the suffering of recent months, you should know that when we sign this agreement we should dedicate ourselves to the reconciliation with the same intensity as we did previously to the conflict.

But now, what is the immediate problem? It would be idle to deny that there is an enormous distrust between the two South Vietnamese parties. And their relationship will be difficult. And we both have to use our influence to induce them to carry out the agreement in good faith. And therefore we are in favor that Saigon takes an obligation to accept every single provision of the agreement without any reservation. This will require them to sit down with the PRG and it will require them to discuss with the PRG.

We are both realists, Mr. Special Adviser. The execution of this agreement will create its own realities, of which you are well aware. But if we now attempt to force a legal recognition of this by the form of signature of the agreement, we may destroy the evolution which this agreement may bring about. And this will simply create a situation where Saigon will not sign but merely adhere. We cannot use pressure on Saigon because it says it will not sign, but will adhere. But with this formula, if we show Saigon that we have made a maximum effort then it will put us in a better position to force them to sign.

Le Duc Tho: But I would like to ask this question, if now the two South Vietnamese administrations do not recognize each other. Suppose now there is a ceasefire and then they will sit together but they will persist in not recognizing each other, the Saigon Administration will call the PRG other names: the Front, etc. Then how can the two South Vietnamese talk and discuss? And then they will say that in the agreement we do not recognize you, and then when they sit together they will not recognize each other, then what will they discuss? Because the first item—the very first item—cannot be discussed. And so my practical intention in proposing this is for a strict implementation of the agreement by the two parties so that after the ceasefire they will sit together and discuss things.

Dr. Kissinger: Well, we agree with you about the strict implementation of the agreement. But in your October 8 proposal you made no provisions whatever for the adherence of these parties, and it would have been easy for either of the two parties to dissociate themselves or to associate themselves with reservation. Under our present scheme they have to accept all of the provisions. Now I believe that there must be a strict implementation of the agreement and we will promise you to use our influence for the implementation of this agreement. As for the recognition, this is an issue that must be left to reality and to the future political evolution, as we have left other issues in this document.

Le Duc Tho: On October 8 we proposed the document signed by two parties, only by the DRV and the U.S., because we thought at that moment that you have full power and authority to compel the Saigon Administration to implement the agreement. And we would have full concurrence of the PRG for a strict implementation of the agreement. But now we think that the Saigon administration has the intention to undermine the agreement. Therefore our intention is to have them sign the agreement in a way that will bind the parties in implementing the agreement. But we are always thinking in the final analysis you are the man who makes the final decision regarding the implementation.

Dr. Kissinger: Have you heard Radio Saigon about me?

Le Duc Tho: No, with regard to you personally the Saigon people may say something but the final decision is always made by the American Government. Because I think that if now the Saigon people do not sign an agreement with the mention of the name of the governments, then when the two South Vietnamese parties sit together they will say, "No, I will not recognize you" because in the agreement there is no recognition of the PRG, and in this respect they will undermine the agreement and I think that you have the responsibility in having this done.

Dr. Kissinger: You have on a number of occasions pointed out that signing an agreement with the name of the other side does not imply recognition, so if it were signed it would not achieve on your theory what you want it to achieve. But if you want to achieve legal recognition then you are putting in an enormous substantive change which will make agreement impossible. In the agreement it now says "The two South Vietnamese parties will discuss this and do that." There is no way the Saigon Government can refuse to participate. We do not support any evasion of the Saigon Government because the obligations are stated now in such a way that both sides are obligated to carry it out, and this is not affected by a phrase of the Preamble or Article 23 says it comes into force on signing.

So I believe the Special Adviser's fears are groundless, and as a joint signatory we have an obligation to encourage, promote, to "don doc" the execution of the agreement.

Le Duc Tho: I hear you say the word “don doc” now.

Dr. Kissinger: We will come back to that when we go through. We can show more understanding on such points later, like “don doc,” than on this signing point.

Le Duc Tho: The word “don doc” has no great significance, but the signing is significant. My view is always that signing the agreement naming the government does not mean recognition of that government because they have no diplomatic relations. But signing the agreement has some legal value—juridical value. And I think that after the signing of the agreement the U.S. and the DRV or the Saigon people and the PRG should not issue unilateral statement; saying “we do not recognize them.” It is no good. We will not do that, because doing that will create tension. Because we visualize that in the future the relationship between the DRV and the U.S. will be normalized. Even with such a unilateral understanding it is not beneficial at all. So if now there is normalization of relationship between DRV and the U.S. and there is such unilateral statement regarding the PRG, it is not good, because in practice in the future the two South Vietnamese will sit together and discuss, will talk to each other and settle the problem. Therefore, I think neither the DRV nor the U.S. have interest in making such unilateral statements. We propose this having in mind a lasting peaceful settlement. This way we create no tension and it will gradually return to national reconciliation and concord.

Dr. Kissinger: We can consider, and we intended, as I told the Special Adviser, to attach to the agreement a unilateral statement on our part that we did not recognize the PRG. We can consider that we do not attach that statement if the Special Adviser agrees to our signing formula. I would have to check it with Washington but I would be prepared to make this proposal to Washington. We just would attach no statement at all.

Le Duc Tho: I think it is wise not to make such a statement and we, too, we will not make such a statement because both of us want lasting peace, a durable peace. We do not want a resumption of hostilities. I think that you are correct in thinking so.

Dr. Kissinger: But I have to check this with Washington but I think it would be approved. But then we should settle on the signing formula that we have proposed.

Le Duc Tho: May I propose this: Now we set aside the question of signing for the time being. Let us go to the specific questions in the agreement and settle them. For a rapid settlement.

Dr. Kissinger: I agree.

Le Duc Tho: Now in the specific questions, to my view there are only four questions left. First, the word “destroyed.” The word “don

doc,” “promote” in Vietnamese. “To implement this agreement and the protocols,” relating to the National Council of National Reconciliation and Concord. And regarding Article 8(c) there is the question of two months or three months.

Dr. Kissinger: [Laughing] I have paid for that about six different times. You have withdrawn that text I don’t know how often, Mr. Special Adviser.

Le Duc Tho: But you owe me this question even after the signing of the agreement.

Dr. Kissinger: That is a different question. That I recognize!

Le Duc Tho: Regarding Laos and Cambodia, there is a correction question regarding a few words. [Laughter]

Dr. Kissinger: These are all the changes?

Le Duc Tho: Ambassador Sullivan was making that correction. You see, regarding the word “destroyed,” I think the words “worn out, damaged, used up” are sufficient because there is no longer war and no longer destruction at all.

Dr. Kissinger: Then there is no damage either.

Le Duc Tho: But you quote the example of the airplane crash or tank exploded; we can put them in the category of damaged, so that “damaged” is a very broad category.

Dr. Kissinger: But I think that General Giap has figured out a way of destroying something without damaging it. It just evaporates.

Le Duc Tho: Now since the war is ended there is no destruction by one party or the other. We will do the same. You will do the same. But regarding the word “don doc” we should leave it.

Dr. Kissinger: In contrast to the word “destroyed” which you want to eliminate so as a concession. If we eliminate “destroyed,” as a gesture of reciprocity he will maintain “don doc!”

Le Duc Tho: Then you are buffalo trading again.

Dr. Kissinger: I have no buffalo left to trade. He is already gone.

Le Duc Tho: I think that the word “don doc” we should maintain it. There is no big significance in this word but we would like to maintain it, particularly in this Chapter. This article there will be no changes at all; therefore, I agree to drop the words “and the protocols.”

Dr. Kissinger: Agreed.

Le Duc Tho: I think this article should remain.

Dr. Kissinger: I agree. It shakes up the Special Adviser when I agree with him without an hour’s struggle.

Le Duc Tho: So now we maintain the word “don doc.” We drop the words “of the protocols.”

Dr. Kissinger: Agreed.

Le Duc Tho: Therefore there is no change.

Now regarding Laos and Cambodia, there are two important questions on this subject.

Dr. Kissinger [Laughs]: I admire the Special Adviser. Here we had a Chapter completely settled, then there is a technical change, the next thing we know there are two important problems.

Le Duc Tho: There are two important questions that have been settled.

Dr. Kissinger: Oh. [Laughter]

Le Duc Tho: 20(b).

Dr. Kissinger: I thought that was all right. Go ahead.

Le Duc Tho: This is important in the paragraph: "The parties participating in the Paris Conference on Vietnam undertake to refrain from using the territory of Cambodia and the territory of Laos to encroach on the sovereignty and security of one another and of other countries." Then there will be the understanding we sent you in our message. We feel this is adequate already.

Now what I would like to propose is about the respect: "shall strictly respect the 1954 Geneva Agreements and the 1962 Geneva Agreements." We gave you a formula.

Dr. Kissinger: I don't understand what you said about the preceding paragraph.

Le Duc Tho: It remains.

Dr. Kissinger: How about the paragraph you just read to me? It is part of (a).

Le Duc Tho: I recall the questions that have been settled and the message we sent to you. I recall these two paragraphs, the message, the understanding, to say that the question of Laos has been adequately settled.

Dr. Kissinger: We will go through the understanding separately. There is no problem.

Le Duc Tho: We will maintain "shall strictly respect the 1954 Geneva Agreements on Cambodia and the 1962 Geneva Agreements on Laos." We maintain that.

Dr. Kissinger: Yes, but then what is your problem?

Le Duc Tho: "... which recognized the Cambodian and the Lao peoples' fundamental rights, namely sovereignty, unity and territorial integrity of these two countries. The parties shall respect the neutrality of Cambodia and Laos." The reason we propose that is to remove the concern of our allies in Cambodia that we changed the provisions on Cambodia repeatedly. Because now if we redraft this article they will

suspect that you and we have discussed some things. This is the only reason. So we shall strictly respect the 1954 Geneva Agreements.

Dr. Kissinger: What I don't understand is, either this means the same or it means something different. If it means something different then I would like to understand why your Cambodian allies would be more reassured by this phrase than by the other one.

Le Duc Tho: The only reason is that repeated change in the provision arouses their suspicion that the U.S. and the DRV have discussed something regarding their affairs.

Dr. Kissinger: But it hasn't been repeatedly changed. It stayed like this since November. You are changing it now again.

Le Duc Tho: The formulation only. I repeat the formula, the text of October 20, and we published it. So I repeat, I recall the important provisions regarding Laos and Cambodia but this sentence is only the formulation because we have published it and now if we change it then our Cambodian allies they suspect. The only thing is that this is a formula we have agreed to and then you proposed a change to it and now we would like to return to the original.

Shall we make a break now?

Dr. Kissinger: Yes, let us take a break.

Le Duc Tho: Let Ambassador Sullivan study the question.

[The group broke at 11:49 a.m. and resumed at 12:14 p.m.]

Dr. Kissinger: Are you ready, Mr. Special Adviser?

Le Duc Tho: I am ready.

Dr. Kissinger: On the Laotian point I suggest that we drop the words "and shall strictly respect" and simply say "and the Cambodian and Laotian peoples' fundamental rights as recognized by these agreements." [They confer.] If Mr. Loi gives you any trouble we can send him off.

Le Duc Tho: But we propose here two deletions. First "and shall strictly respect" and "as recognized by those agreements." We propose to write "which recognized . . ."

Dr. Kissinger: No, I know what you recommend.

Le Duc Tho: Because if we say we recognize these Geneva Agreements, so it is not necessary to repeat it again "recognized by these agreements." So there is repetition here.

Dr. Kissinger: Whenever the Special Adviser is particularly concerned about style, I begin to worry. [Tho laughs] Because I don't have as subtle a mind as the Special Adviser.

Le Duc Tho: The idea is fully reflected in our proposal saying "they shall strictly respect the 1954 Geneva Agreements on Cambodia and the 1962 Geneva Agreements on Laos." It is the one idea. The second

is that these agreements recognized the Cambodian and Lao peoples' fundamental rights. There are two ideas that are reflected. What we propose is that we maintain what we agreed to previously.

Dr. Kissinger: But I never know when previously. I also favor that we maintain what we agreed to previously.

Le Duc Tho: On October 20th.

Dr. Kissinger: I admire the Special Adviser's negotiating method. First the Special Adviser makes a concession; we pay a heavy price for it; then he goes back to October 20th and we are right back to where we started.

Le Duc Tho: Regarding the question of Laos and Cambodia, I have reminded you that there are two important questions that have been settled. Moreover, in the present paragraph there is a provision that the two parties shall strictly respect the Geneva Agreements on Cambodia and Laos of 1954 and 1962, so it is very sufficient and very adequate. The question is here the question of formulation only.

Dr. Kissinger: Let me say this. We both have a problem of what we have already indicated to our allies. I will accept your suggestion on this if you keep the word "destroyed." [Tho laughs] No, we have the same problem.

Le Duc Tho: Now we are buffalo trading again.

Dr. Kissinger: Yes, I admit it. And that is what you deliberately set up. We had already agreed on both of them. These were both agreed. It was only on December 13th that you objected to both of these.

Le Duc Tho: I agree with your buffalo trade. I agree with that.

Dr. Kissinger: You get two healthy buffaloes for one sick one.

Mr. Phuong: I read your paragraph again, in Vietnamese first.

Dr. Kissinger: Which paragraph are we reading now?

Mr. Phuong: 20(a). [Reads it in Vietnamese] Now in English: "The parties participating in the Paris Conference on Vietnam shall strictly respect the 1954 Geneva Agreements on Cambodia and the 1962 Geneva Agreements on Laos which recognized the Cambodian and Laos people's fundamental national rights, namely, the independence, sovereignty, unity and territorial integrity of these countries."

Dr. Kissinger: OK. So now if the Special Adviser will withdraw 8(c) for the 10th time we are finished with the agreement.

Le Duc Tho: Regarding 8(c) there is only the question of two months only.

Dr. Kissinger: I know.

Le Duc Tho: Moreover, you have stated to Minister Xuan Thuy in October that you could agree to two months [Kissinger laughs] and I think that is correct to put two months. Because this is not very signifi-

cant to have one month more, but it is sentimentally important for us and to make humanitarian effort for the detainees.

Dr. Kissinger: We can't accept that.

Le Duc Tho: Moreover, the two South Vietnamese parties will have to settle that question.

Dr. Kissinger: We can't agree to it.

Le Duc Tho: Regarding this question we have made a great effort and moreover this question has nothing to do with the captured military men.

Dr. Kissinger: It is impossible for us since it has been one of those issues which we have used to indicate good will on your side. We have told you this at every meeting. You have withdrawn it on at least five different occasions and we absolutely cannot yield on this. We are prepared to make an understanding with you but we cannot change the text of the agreement on that.

Le Duc Tho: I have been explaining to you on that question for several months already. It is a question of humanitarian reasons. It is not a question of significance, one month, 3 months.

Dr. Kissinger: I know what your reasons are. Our concern is to separate this from our prisoners. Secondly, you have your problems in presenting changes and we have our problems in presenting changes. On innumerable occasions in the past with you in the negotiations you have proposed this and then withdrawn it. As I explained to you, it is impossible for us to change this. We will make an understanding with you but we cannot change the text of the agreement.

Le Duc Tho: So if you stick to that, I agree with you now. But I insist that you stick to the engagement you have made to Minister Xuan Thuy that the greater part of the prisoners will be released in two months. But we will leave the three months. This is a great effort of mine.

Dr. Kissinger: We will use our influence. We will make a mutual understanding, if you don't speak of an engagement with Minister Xuan Thuy. When one is negotiating there are many ideas that are discussed. But let us not argue, because I don't want to trigger the Minister on television again. It always takes me three days to analyze what he has said before I can reply to it. We can arrive at an understanding on that question in the sense that you have just mentioned.

Le Duc Tho: And you said that to Minister Xuan Thuy and we repeated it in our message.

Dr. Kissinger: Yes, but we didn't answer that part of your message. We listed all the understandings. And having seen the Minister on television, his memory is not always exactly the same as ours.

Xuan Thuy: [Laughs] So you don't allow me to respect the good idea you had.

Dr. Kissinger: On TV? It is an amateur against a professional. Oh, what was the good idea?

Ambassador Sullivan: [To Dr. Kissinger] Maximum influence.

Dr. Kissinger: No, we will write an understanding about using our influence.

Le Duc Tho: I still remember the message and the message to the President of the United States.

Dr. Kissinger: Mr. Special Adviser, we have gone over this. You sent a message, we replied to yours. We then listed all the understandings we acknowledged. This was not one of them. But we don't have to debate it, now because we can write a new understanding and then we are both agreed. There is no sense debating the history.

Le Duc Tho: But in the understanding we have agreed upon we shall stick to what was said by the President of the United States.

Dr. Kissinger: No, I know what you had.

Le Duc Tho: No, what we want to put in the understanding is that the U.S. Government will use its maximum influence so that the greatest part of the detainees be released within two months and the remaining will be returned in three months.

Dr. Kissinger: We will discuss it this afternoon when we discuss the understandings or whenever you are ready. I think we should discuss all the understandings together. We will settle this question, Mr. Special Adviser.

Le Duc Tho: Now regarding the mention of the Republic of Vietnam in 3(a): You said you delete it, but how will you redraft this paragraph?

Dr. Kissinger: No, we propose to delete it in case we get the signing formula that we proposed.

Le Duc Tho: Deletion is one thing; signing is another.

Dr. Kissinger: No, no, no. We delete it in case we agree on the signing we propose.

Le Duc Tho: No, these are two different things: one, the mention of the PRG and the other mentions of the Republic of Vietnam should be deleted in the text of the agreement except in the Preamble and the final article. If you mention in one place then . . .

Dr. Kissinger: Mr. Special Adviser, you have an extraordinary method of negotiating. It is one that I have not encountered before. On December 13 you said that the Government of Vietnam was listed 12 times—I didn't count them—and you wanted to eliminate every place except one and you considered it a concession when I agreed to that. Now today when you expressed concern about the inequality that would be produced in case our proposed signing were accepted, I offered as a concession that if the signing procedure were accepted we

would drop the reference to the GVN. So now you will pocket this concession and not do anything about the signing. That is impossible.

Le Duc Tho: No, these are two different questions. Previously in the agreement there were many mentions of the PRG. You wanted to delete all mention of the PRG. So it is a question of fairness. If all mention of the Republic of Vietnam be deleted, then the question of signing we will discuss later. If I adopt your method then I would have said that since I adopted the word “civilian” then you should accept our method of signing. I told you that the other day.

Dr. Kissinger: How can one buffalo trade when you kill my buffalos before we start trading?

Le Duc Tho: So I propose we solve this question and then we shall discuss the question of signing. Let us stop buffalo trading because it will drag on.

Dr. Kissinger: It won’t drag on at all. If we solve the question of signing, this question will solve itself. I propose we solve the question of signing; then this question will be solved automatically.

Le Duc Tho: It is not an important word. Then we will discuss the question of signing.

Dr. Kissinger: Can we sign in ink or does it have to be in blood?

Le Duc Tho: The important thing is that we have the result, but what you use to sign it isn’t important. So you agree to drop this word “Republic of Vietnam” and we will find a way. Please let us know how you will redraft if you rewrite it.

Dr. Kissinger: If we redraft we will just drop the words “Republic of Vietnam.”

Le Duc Tho: Or shall we leave it to Mr. Loi to study this? [Laughter]

Dr. Kissinger: One condition is that the next time we go over this text I ask that Mr. Loi be excluded!

Le Duc Tho: To see how Mr. Loi will propose this correction. So regarding 3(a) we have agreed to drop that. We shall find how to redraft the article. Let us now discuss the signing. Also agree to drop this word. Let us discuss the signing now.

Dr. Kissinger: He has agreed to drop it!

Le Duc Tho: Both of us agreed to drop it. Let us discuss the signing now.

Dr. Kissinger: All right. Let us discuss the signing now.

Le Duc Tho: Do you agree to my proposal now? [Laughter]

Dr. Kissinger: No, Mr. Special Adviser. I have given you the only practical method by which we can get the acceptance of Saigon to all the provisions of the agreement.

Le Duc Tho: Now seriously speaking, we drop this word "Republic of Vietnam" and we shall find how to rewrite the provision. And let us now discuss signing of the agreement.

Dr. Kissinger: We are discussing it now.

Le Duc Tho: Yes, let us now discuss the signing. They are two different things. This is a big buffalo and a small calf. Let us now discuss the signing.

Dr. Kissinger: Let us discuss the signing.

Le Duc Tho: We will drop the word the "Republic of Vietnam" and we will redraft the provision.

Dr. Kissinger: I am still waiting for a discussion of the signing. This will not be a problem.

Le Duc Tho: But you should not link the two matters. Let us discuss the signing.

Dr. Kissinger: And you will ask for Hawaii in return for the signing.

Le Duc Tho: [Laughs] Now let us discuss how we will sign.

Dr. Kissinger: All right.

Le Duc Tho: Now we have proposed two ways to sign the agreement, but you disagree with them, and we think those ways are reasonable and logical.

Now I have another formula, and the last one. I have no other formula. If you still disagree then I am in an impossibility. Now for the text of the agreement signed by the U.S. and the DRV we have no problem. We have agreed.

Dr. Kissinger: We have agreed.

Le Duc Tho: The name of the governments are mentioned in the Preamble and in the final article. Now in the copies signed by the four parties, there will be no mention of governments, but the signature of the four foreign ministers should have a title on behalf of whom they represent. In the Preamble we say "the four parties participating in the Paris Conference." But the four foreign ministers will sign it and I think it is reasonable. So it is the utmost effort we make to find out a suitable formula. This is my utmost effort. So it is reasonable and logical manner and we have taken into account of your views. Previously there was your proposal, except that you proposed Madame Binh, and with titles too. But in the Preamble no names. This was your proposal.

Dr. Kissinger: Let me understand your proposal. The document does not mention either government anywhere, either in the Preamble or Article 23.

Le Duc Tho: Yes.

Dr. Kissinger: It just says . . .

Le Duc Tho: Only in the document signed by four parties there will be the name of the foreign ministers and the titles at the end.

Dr. Kissinger: All right. I just want to understand once again, to be sure. The document signed by the four parties does not contain the name of either the PRG or the GVN anywhere, either in the Preamble or in Article 23.

Le Duc Tho: Right. The four signatures of the foreign ministers on behalf of the governments.

Dr. Kissinger: And do they sign simultaneously or can they sign it separately?

Le Duc Tho: Simultaneously. And one copy.

Dr. Kissinger: Yes, but do they have to sign it in the same place?

Le Duc Tho: They will sign together. In one room. We have taken into account all your views; you should do the same for us. This is our final effort.

Dr. Kissinger: Yes, but I have explained to you many times this is one issue in which it is not up to us to take your views into account. [Confers with Ambassador Sullivan]

So what I understand then is the following: There are really two documents. One has the signature of the U.S. and the DRV and it mentions the PRG and the GVN. Correct? [Tho nods yes] Then there is a second document in which the Preamble says "The parties of the conference"—it just says "The parties participating in the Paris Conference on Vietnam, with a view towards . . ." And then an appropriate concluding paragraph, Article 23, and that is then signed by the four parties.

But then can you explain to me why we need two separate documents?

Le Duc Tho: We propose two separate documents because this is two different problems. First is that the DRV and the U.S. will sign the agreement and second, the document is signed by the four parties, because they refuse to sign the text of the agreement with the name of the governments but we want to. The PRG and the GVN sign the agreement, therefore we have to separate the documents. We have taken into account your view that the Saigon Administration refuses to sign an agreement in which there is mention of the PRG, therefore we propose the four parties would sign the agreement without the mention of the PRG.

Dr. Kissinger: I understand.

Le Duc Tho: But we, the U.S. and the DRV, will sign a document with the names of the four governments.

Dr. Kissinger: That is no problem. Of course, under our formula there is no difficulty about using the title in the signature. Under your formula there is a difficulty about using a title in the signature.

Le Duc Tho: Now we have taken into account of your views, saying that the Saigon Administration refuses to sign a document in which there is mention of the PRG. But the person who signs it, then it is a matter of fact that he should have a title under his signature, who he represents, which government.

Dr. Kissinger: It is no problem at all if they sign separate documents.

Le Duc Tho: But this will not become a problem if they sign it separately, but it is our proposal to sign together.

Dr. Kissinger: No, I understand your proposal, but I am telling you it would be best to have two separate documents—one that the U.S. and DRV sign, plus one for the Vietnamese parties in each case. Three documents.

Le Duc Tho: It is your formula, the three documents signed. But you have proposed three or four formulas. We have strived to find out a middle of the way formula, a compromise formula. If now you stick to your formula, how can we solve the problem? You see we have been striving to find formulas for a good settlement of the problem and we have taken into account of your views. This morning I have made many efforts in solving the problems, and even on this question we have made an effort. I don't know what formula I can find out. I have nothing in mind now. We have proposed several formulas.

Dr. Kissinger: I have to study this formula. It is senseless for me to accept a formula which has no chance of being implemented. I have to study this and find a way it can be done or make a counterproposal. I do not think it is possible to arrange a joint signature of one document. I think it might be possible to arrange a signing between the two of us and then send the document around to the other parties to be signed. This is what I have to explore.

Le Duc Tho: [Laughs] The four parties have been sitting together for nearly five years now at Kleber Street.

Dr. Kissinger: That's right. That's another possibility—that it is passed around at Kleber Street.

Le Duc Tho: I propose this. Please consider it. We too, we will consider the signing ceremony, how we will do that. Remember the form of the table—square table, round table. But finally they sit together.

Dr. Kissinger: Saigon intends to sign in invisible ink. Disappearing ink. [Laughter] We will discuss this again tomorrow.

You should consider the signing ceremony. We will consider the technique by which it could be signed. They can sign under the table. [Laughter]

Le Duc Tho: I agree that we will return to this question tomorrow, but you should realize that we have made very great efforts. We have

endeavored to find how to meet you half way. We shall consider the ceremony but we should not do in the same way as we would for the round table or square table—it takes months.

Dr. Kissinger: But this is exactly the problem, Mr. Special Adviser. We are trying to remove excuses for delay. That is exactly the problem.

Le Duc Tho: No, I meant in saying that it is technical question. It will not take three months for that. In 1969 the Saigon Administration wanted to sabotage the conference.

Dr. Kissinger: Wait until you deal with Mr. Duc! Then you will think of me with nostalgia.

Le Duc Tho: But you should let me hear the recording of your interview with Mr. Duc then I will understand.

Dr. Kissinger: Mr. Duc is a worthy adversary of Mr. Loi. [Laughter] All right, should we have lunch and then discuss understandings after that?

Le Duc Tho: So we have made big progress.

Dr. Kissinger: Yes, I agree. In fact we have finished the text of the agreement now.

Le Duc Tho: Almost.

Dr. Kissinger: Except for the signing.

Le Duc Tho: Except for 3(a) and the Republic of Vietnam; but it is not a major question.

Dr. Kissinger: We should get our language experts together for one final check.

Le Duc Tho: So we make greater progress than Ambassador Sullivan and Minister Thach.

[The group broke for lunch at 1:16 p.m. and resumed at 2:17 p.m.]

Dr. Kissinger: Mr. Special Adviser, as I see where we stand now, we are finished with the text of the agreement except for Article 3(a) in which our experts will find a formulation to eliminate the words "Government of the Republic of Vietnam." And we have before us your proposal of signing, which we shall study to see how we can make it possible, and you will reflect about the appropriate ceremony which will ease the task of signing.

So then we have before us only the following issues: First, the question of the understandings. Issues of principle with respect to the protocols. And the protocols themselves. And we should attempt to finish all of that this week. So I propose that we deal first with the understandings and the agreement, we can perhaps have a preliminary discussion on the schedule, because I suppose both our plans depend to some extent on the schedule. Then we go to the questions of principle with respect to the protocols. And then just before I leave we confirm

the schedule and adjust it if necessary. Is that agreeable with you, Mr. Special Adviser?

Le Duc Tho: [Nods yes] I agree with your assessment regarding the work to be done in the agreement. As to the signing, we will consider the signing ceremony.

Dr. Kissinger: Two separate ones; one for the two of us and one for the four parties.

Le Duc Tho: And we will discuss it. Now we will discuss the understandings and then we will exchange our views on the schedule and finally the protocols. That is to say, I agree with you.

Dr. Kissinger: And I want to confirm also that 48 hours after my return to Washington we shall stop bombing south of the 20th parallel.

Le Duc Tho: We would like only 24 hours, because since we have agreed then the bombing should be stopped, the sooner the better.

Dr. Kissinger: It is partly a technical question. I will look into it and I will give you the shortest realistic time period. We will look at it with a positive attitude to make it as short as technically possible.

Le Duc Tho: I agree.

Dr. Kissinger: But I will tell you definitely before I leave what the exact hour is.

Now should we just confirm those understandings which are agreed to? [Tho nods yes]

The first, with respect to reconnaissance. "With respect to reconnaissance activities, the U.S. side confirms that with the coming into effect of the Agreement on Ending the War and Restoring Peace in Vietnam, reconnaissance activities against the territory of the Democratic Republic of Vietnam will cease completely and indefinitely."

Le Duc Tho: I agree.

Dr. Kissinger: All right, this is agreed then. Then we have one on prisoners and missing in action of the parties. It says: "It is understood between the United States and the DRV that the phrase "of the parties" in Article 8(a) and (b) of the Agreement covers all personnel of the parties and from any other country."

This is a technical understanding.

Le Duc Tho: Agreed.

Dr. Kissinger: Now, on aircraft carriers, our formulation is: "With respect to U.S. aircraft carriers, the U.S. side cannot accept any restrictions regarding the transit of aircraft carriers, as was pointed out by Dr. Kissinger to Special Advisor Le Duc Tho on October 11, 1972. Thus, the understanding on this question with respect to maintaining a distance of 300 miles from the shores of North Vietnam refers only to the stationing of U.S. aircraft carriers."

Le Duc Tho: Shall I comment on this understanding?

Dr. Kissinger: It is up to you. You can also say "I agree."

Le Duc Tho: There are two questions here. We would like to maintain what you said to us before regarding the moving of the aircraft carriers to 300 nautical miles from the shores of Vietnam. Because if you say North Vietnam, 300 miles from the shores of North Vietnam, then we understand that they will be near the shores of South Vietnam. Now I think that now that peace is restored, it is more sensible that U.S. aircraft carriers should be 300 nautical miles from the shores of Vietnam rather than the shores of North Vietnam. Then if you say only North Vietnam, then they will be near South Vietnam, then they will make pressure on South Vietnam. And recently they were located in South Vietnam but they launched attacks against North Vietnam.

Secondly, we would like to say that the moving of 300 nautical miles from the shores of North Vietnam should include U.S. aircraft carriers and also a number of U.S. warships associated with the aircraft carriers. I mean ships which are associated, linked with the aircraft carriers. Since now peace is restored these ships, aircraft carrier ships, should be stationed far from the shores of Vietnam. It is something natural. Except for transit purposes; I agree that they make transits.

Dr. Kissinger: Well, it is against every principle of freedom of the seas to accept any restrictions on the stationing of our forces on the seas. We have never done this for any country.

Now with relation to ships associated with aircraft carriers, we have to confine it to aircraft carriers because of the special role they have played. With respect to ships associated with aircraft carriers, first of all, it is a very difficult matter to define and secondly they represent no threat.

Le Duc Tho: I have two points to address here. First, these ships should not be used 300 miles from the shores of Vietnam because past experience shows that they are located in the waters of South Vietnam but they launch attacks against both North and South Vietnam. Therefore, I think that after the restoration of peace it is something logical that these ships should move far from the shores of Vietnam. Moreover, if they remain in South Vietnam they will continue to use pressure against South Vietnam.

As to other ships, we stick to ships associated with the aircraft carriers. It may be when the aircraft carriers are moved far from the shores of Vietnam then the other ships will move far from the shores of Vietnam too, but we want to clarify, to put it clearer too.

This understanding is in the light of the war in Vietnam. If there had been no war in Vietnam, then this question doesn't arise at all and it would be applied like for other countries.

Dr. Kissinger: I can consider the distance from the shores of Vietnam, but we can't consider restrictions on any other ships except aircraft carriers.

Le Duc Tho: I agree that you will pay attention to the word "shores of Vietnam."

Dr. Kissinger: I have to check this with our experts.

Le Duc Tho: [Laughing] It is something very easy to understand. You need not ask your experts if it is North Vietnam or the whole of Vietnam!

Dr. Kissinger: Yes, but I have to find out where this 300 miles takes us.

Le Duc Tho: I myself can measure how long is 300 nautical miles and if you move 299 nautical miles I can check it.

Dr. Kissinger: Now . . . I am just going through the ones which on our records are listed as agreed, and then we get to the ones that still require discussion.

Now our records indicate that the statement on Laos and Cambodia is agreed, and that it consists of our message of October 20. We will get our language experts to compare it but it is a very long one and I don't know whether I should give it to you. Do you have it?

Le Duc Tho: We have it.

Dr. Kissinger: It consists of our message of October 20, the Special Adviser's reply signed "Pham Van Dong" of October 21 [Tho laughs]—I know the style.

Le Duc Tho: It is our Prime Minister drafted the message.

Dr. Kissinger: He wrote it long hand? He had a little help though.

Le Duc Tho: He has his advisers to help him.

Dr. Kissinger: Not Mr. Loi; it is too simple for him. And our message of October 22. This is the complete understanding. That is correct, isn't it?

Le Duc Tho: As regarding Laos and Cambodia you raise a question of Laos and Cambodia in a message, we answer to your message in our message, and then you reply to that message on behalf of the President of the United States saying it was satisfactory.

Dr. Kissinger: And these three messages are the understanding. That is what we agreed to last time when I was here.

Le Duc Tho: We replied to your message on October 21 and we sum up the question of Laos and Cambodia, and then the President of the United States replied to that message saying that he was satisfied on this question. And we consider this as the understanding.

Dr. Kissinger: But we have discussed that before. We went over this before. From our point of view our message of October 21 makes

no sense except in relation to our message of October 20, and in our view all three messages—ours of the 20th, yours of the 21st and ours of the 22nd—should be taken as one body of understanding. Besides, the experts agreed on this. It was one of the few things that they agreed on.

Xuan Thuy: This is how it was at the experts' meeting: The U.S. side separated the message of the President of the United States into subjects—one on Laos and one on Cambodia. And I also separated the DRV message into subjects—Laos and Cambodia. But we discussed that and it was agreed that we combine the message only, but so far we have not received the text. The U.S. will rewrite this and give us.

Dr. Kissinger: Well, my difficulty is my associates are treating you like they treat me. My associates think that the fewer documents I see the less damage I can do. But I thought that Ambassadors Sullivan and Porter handed it over. Well, this has everything together. This is the exact text. [Hands over new copy of Laos and Cambodia understanding, Tab B.]

Le Duc Tho: We will review this and we will answer you.

Dr. Kissinger: It is the exact text of both messages. Now the only additional thing is that the release date of our prisoners has to be adjusted. And I propose we just say "within sixty days of the signature of the agreement." The Lao prisoners. In your message to us you said that the prisoners will be released by December 31. Now you have not kept that promise!

Le Duc Tho: [Laughs] But you refused to sign the agreement in October. You did not keep your promise first.

Dr. Kissinger: There is nothing in your message that makes it conditional on the signing of the agreement. But seriously, we should say "within no later than 60 days."

Le Duc Tho: Agreed.

Dr. Kissinger: Now the only other thing is reducing the interval between the ceasefire in Vietnam and the ceasefire in Laos. The Special Adviser at our last session agreed to reduce it to 20 days, but I think that on further reflection he might prefer a shorter period.

Le Duc Tho: Please go on.

Dr. Kissinger: I have finished about Cambodia and Laos.

Le Duc Tho: And there are other understandings?

Dr. Kissinger: Can I hear the Special Adviser's views first on Cambodia and Laos?

Le Duc Tho: Now we think that our message in answer to the President of the United States regarding Laos and Cambodia is adequate, but now you combine the messages. We will look at it this evening.

Regarding the American prisoners in Laos, we maintain our understanding with you on that question. Now we can agree that they will be returned in sixty days.

Regarding the time for the ceasefire in Laos, I will further think about that and answer you later.

Dr. Kissinger: But I would like to point out that you have already agreed to twenty days.

Le Duc Tho: I agree to twenty days.

Dr. Kissinger: Now with respect to the exchange of messages. I would like to point out an exchange that I had with Minister Xuan Thuy while the Special Adviser was out of the room at Gif on December 12. [Reads from December 12 transcript] What the Minister said was: "What I want and I think it is sufficient and adequate is to use excerpts of the message of Prime Minister Pham Van Dong and the first paragraph of the reply of President Nixon." Then I said, "I don't think the Prime Minister's reply makes any sense except in the context of what the President addressed to him first. Because the reply drafted for Prime Minister Pham Van Dong by the Special Adviser affirms statements which were made by the President." And then Minister Xuan Thuy said "I agree to your way of doing."

Le Duc Tho: We will review the text. But we always felt that our reply to your message of the 20th of October is sufficient and adequate and the President of the United States had said he was satisfied with that.

Dr. Kissinger: Yes, but it didn't make any sense except in the context of what we said to you in the first message.

Le Duc Tho: But it is an official confirmation of our message, and comprehensive.

Dr. Kissinger: But we want to know of what.

Le Duc Tho: It is clearly mentioned in the message.

Dr. Kissinger: Well, I think we should have all three, and it seems to me this is what we agreed to when we met on December 12.

Le Duc Tho: Because all what we have been talking about is reflected in the message we sent to you.

Dr. Kissinger: That may be, but we reflected what had been sent to you, our understandings of what you had said. You then confirmed it, and without that your confirmation doesn't make any sense.

Le Duc Tho: But the message we addressed to you is an understanding between us because we sent this message in reply to yours.

Dr. Kissinger: Yes, and therefore we think all three documents together express the understanding. You cannot very well say that when you send us a message in regard to prisoners to which we never

reply it reflects an understanding, but when we send you a message to which you did reply the two statements together don't reflect an understanding.

Le Duc Tho: We will consider this question.

Dr. Kissinger: And please remember that your first statement of the message of October 21 said: "Concerning the understandings on the part of the DRV as mentioned during the private meetings of September and October of the current year, the DRV side will carry out, without any change, what it has declared to the U.S. side." That refers to what we said [in our message of October 20] that you had declared to us.

Well, you will consider that.

Le Duc Tho: Yes.

Dr. Kissinger: Now we gave you, and you have not given us a reply yet, a statement with respect to return of U.S. prisoners. We gave it to you on December 12. [Reads Tab C]: It says "The United States reaffirms the statement of the President in his message of October 20"—you have it?—and the statements by Dr. Kissinger in the private meetings of September 26, October 17, November 21, November 23, and December 9, 1972, that the United States signs the agreement with the explicit understanding that the return of all U.S. military and civilian prisoners throughout Indochina is guaranteed unconditionally and is not linked in any way with the settlement by the South Vietnam parties of the question of civilian detainees in South Vietnam.

This the Special Adviser has affirmed to me orally on innumerable occasions.

Le Duc Tho: Here I would like to say that American prisoners have been covered by Article 8(a), and I have been telling you that the American prisoners are not linked to the question of civilian detainees. But the American prisoners belong to the category of military captives, military prisoners of war. We will discuss this in the protocols. We don't propose the question of linking the question of political detainees with military detainees.

Dr. Kissinger: Or civilian American detainees.

Le Duc Tho: American civilians are also covered by 8(a).

Dr. Kissinger: So it is our understanding that 8(a) is separated from 8(c) and not linked to it.

Le Duc Tho: Agreed. But here you said about "throughout Indochina." Regarding Laos, it is a separate understanding. This should not be done.

Dr. Kissinger: All right, we will say "Vietnam."

Le Duc Tho: So we have agreed with that. Why is such an understanding necessary then?

Dr. Kissinger: For our own domestic opinion.

Le Duc Tho: I have answered to you this.

Dr. Kissinger: All right. I understand and I will consider in the light of your answer whether we need a formal understanding.

Le Duc Tho: It is not necessary. Please remember my statement. I will honor it.

Dr. Kissinger: How about Madame Binh?

Le Duc Tho: Madame Binh also does not link the question of American prisoners with civilian detainees. But it is the result of a long and perseverant persuasion of mine over Madame Binh. This is a fact.

Dr. Kissinger: I believe it! Now then, on my list we have the questions of civilian detainees in South Vietnam and U.S. technical personnel in Vietnam. Now with respect to civilian detainees in South Vietnam, we have given you a proposal, but in the light of our discussion this morning I would like to rewrite it tonight to make it somewhat more specific along the lines of our previous discussion. And I will bring it with me tomorrow morning.

Le Duc Tho: Let me add one sentence regarding the question of American prisoners. We have settled this question in a very adequate way and we take into account of your views and I am fair in this. Therefore I would suggest that you should consider the question of political detainees in a very positive way and in a very good way.

Dr. Kissinger: Well, this is why I am not discussing the proposal we gave you last time and why I will see if we can make it somewhat more specific. And somewhat more consistent with the Minister's selective recollection. [Laughter]

Le Duc Tho: I hope you understand my sentiments in this question and consider this question in a positive way.

Dr. Kissinger: Yes, I understand. This is why I asked for an opportunity to rewrite that first paragraph. Then this leaves one other understanding. Or does it leave any more understandings? [Laughter] I don't want to exhaust the Special Adviser if he is through with his list.

Le Duc Tho: I still have one point to make. From experience we know that each time when peace is approaching, then the adversary side always massacres the Vietnamese. Therefore, I recall here your statement on 27 September, 1972 that the U.S. will do its utmost so that the Government of the Republic of Vietnam somehow stop the killing of the personnel who belong to the PRG who have been captured and detained in South Vietnam.

Dr. Kissinger: Does that mean that they can massacre North Vietnam civilian and military personnel? Now let me say this. First of all, I do not know whether such massacres are occurring. Secondly, I cannot make a written understanding saying that the U.S. will prevent its ally

from doing things we have no formal knowledge of. But I stand by my oral assurance that we will use our maximum influence to prevent it from occurring when we know about it.

Le Duc Tho: We record only your statement that you will make a maximum effort to prevent such massacres.

Dr. Kissinger: If they are occurring.

Le Duc Tho: Yes, these massacres.

Dr. Kissinger: Well, you can note my oral statement to you that we will use our maximum influence to prevent such events from occurring when they come to our attention. But I do not want to say with that statement that I admit that they are occurring. But we will make an effort to act in the sense that I have described. And we can of course put it also in the protocol on prisoners, write in some safeguards against abuse by all parties in this respect. And we are prepared to do that.

Le Duc Tho: Yes, we can write it.

Dr. Kissinger: I beg your pardon.

Le Duc Tho: We can write it in the protocols.

Dr. Kissinger: But it has to apply to all parties in the protocols.

Le Duc Tho: We reaffirm your statement in this respect. As to a protocol we shall discuss it later.

Dr. Kissinger: It is an oral statement. Do we have any other problems?

Le Duc Tho: American civilian personnel associated with military branches.

Dr. Kissinger: Mr. Special Adviser is not so tired that he overlooks anything!

Le Duc Tho: Now regarding the American civilian personnel in South Vietnam, whether they belong to U.S. Government or private companies, but associated with military activities in South Vietnam, they should be completely withdrawn within a certain period. You proposed 15 months. We proposed six months. Now we propose eight months.

So we propose half of the number be gone within sixty days, that is to say two months and then the remaining will be six months after that. This is eight months in all. The civilian personnel of the U.S. or other foreign countries allied with the U.S. and the Republic of Vietnam are not included in this category and they should be completely withdrawn: "The U.S. reaffirms the statement made on December 7, 1972, by Dr. Henry A. Kissinger, Assistant to the President of the United States, that pending their withdrawal from South Vietnam, no civilian personnel of the United States and of the other foreign countries allied with U.S. and the Republic of Vietnam will participate in military operations or operational military training."

Dr. Kissinger: Well, I have no problem with that paragraph. That I have confirmed to you and that I will reaffirm. So we accept this paragraph.

With respect to the other matter, first of all you have repeated so often that I am beginning to think you actually believe it, that we have introduced large numbers of civilian personnel in South Vietnam since October 15. That is simply not true. That can very easily be checked. There could not have been more than the normal fluctuation, which would have been not more than a few hundred, if any. There has been a tremendous amount of noise because the various departments in Washington are fighting over who should control the numbers that remain. But that is interesting only to students of American bureaucracy. That has nothing to do with Vietnam. And it produces nostalgia for countries which have only one official newspaper. [Laughter]

But the principle that the Special Adviser here is making is a very major change in the October agreement. I have no difficulty with a statement that the number of civilians cannot be increased; second, that no civilian can be assigned duties that were performed by military people prior to October 15; and thirdly that they will not engage in military operations or in operational military training. But we cannot accept those time limits that the Special Adviser is proposing.

Le Duc Tho: You proposed 15 months. I proposed eight months, more than half of the period you proposed. The period for the troop withdrawal you proposed four months and now we agreed to two months.

Dr. Kissinger: [Laughs] Yes, but that is a different problem. Don't use that as a model for something that will happen every time.

Le Duc Tho: But we have proposed eight months—more than half the period of 15 months.

Dr. Kissinger: No, but the truth of the matter is that the absolute minimum, according to our people, was 24 months. I, on my own, proposed 15 months. That was our absolute minimum. It is always a mistake to go to the absolute minimum with the Special Adviser. But it was not a bargaining position.

Le Duc Tho: You are never mistaken in the time period you proposed.

Dr. Kissinger: I wasn't mistaken. I gave the absolute minimum.

Le Duc Tho: But I think that you should reduce this period because you are always proposing very long periods to reduce it later.

Dr. Kissinger: [Laughs] No, but this time I don't. This is an exception to the rule. Now what I am willing to do is this, and we cannot do any more. [Mr. Engel reads Tab D in Vietnamese.] That is a major change in the agreement in your favor.

Le Duc Tho: I propose only you reconsider the period—only the period. After the formulation of the understanding, we will discuss. [Dr. Kissinger hands over Tab D.]

Dr. Kissinger: Let us discuss it tomorrow, but I don't think we can reconsider the period. But you recognize this is a major change in the agreement in your favor.

Le Duc Tho: Because you put an end to your involvement in Vietnam, therefore the withdrawal of such personnel is something natural. But we have taken into account of your views already.

Dr. Kissinger: But the Special Adviser has the ability of confusing two issues: that it changes the agreement and the merits of what he proposes. We are now talking about the fact that this changes the agreement; not whether it is good or bad.

Le Duc Tho: We will exchange on the remaining questions tomorrow.

Dr. Kissinger: Well, tomorrow we have three issues left on understandings; the time period on Laos and Cambodia, the civilian detainees in the South, and this understanding. Is that correct?

Le Duc Tho: Yes.

Dr. Kissinger: And I will let you know—I owe you something about the distance of aircraft carriers, whether it is from North Vietnam or Vietnam. And then after we complete these understandings we have a preliminary discussion of schedule, and after that we go to the issues of principle in the protocols. We can decide whether to do that tomorrow or the day after on the protocols, depending upon where they stand at Gif. Because we should have Ambassador Sullivan and Minister Thach here for that. Maybe tomorrow afternoon, but we can see.

Le Duc Tho: Yes, there are four remaining understandings to be discussed. We will discuss them tomorrow. And after the understandings we will discuss the schedule and the protocols. But in the agreement there is still the Republic of Vietnam and the signing left.

Dr. Kissinger: Yes, but you will get Mr. Loi and I will get my pedant, whoever he is, to find a phraseology. [Laughter] 3(a) is no problem. Even we will not manage to disagree on 3(a).

Le Duc Tho: And we will discuss the signing ceremony tomorrow.

Dr. Kissinger: We will do our best. It may have to wait a day because we may have to make some exchanges, but I will think of some possibilities. I have to exchange ideas with our Ambassador in Saigon. So at what time should we meet tomorrow?

Le Duc Tho: I would like to propose 3:00 in the afternoon, to have time in the morning to review the understandings.

Dr. Kissinger: Where?

Le Duc Tho: Gif.

Dr. Kissinger: And can the experts meet in the morning on protocols?

Le Duc Tho: The experts come here, or to the other place?

Dr. Kissinger: They can meet here in the morning and then Sullivan and Thach can join us later in the afternoon when he completes his work. [Tho nods yes.] Good.

Le Duc Tho: Then two more saboteurs join us.

Dr. Kissinger: I will suggest to Sullivan he doesn't have to be with us at the beginning for the understandings. If he came as late as 5:00 or 5:30, that would be time enough to discuss the protocols.

[The meeting adjourned at 3:45 p.m.]

44. Memorandum of Conversation¹

Paris, January 10, 1973, 3–6:48 p.m.

PARTICIPANTS

Le Duc Tho, Special Advisor to DRV Delegation to the Paris Conference on Vietnam

Xuan Thuy, Minister, Chief DRV Delegate to Paris Conference on Vietnam

Nguyen Co Thach, Vice Minister for Foreign Affairs

Phan Hien, Delegation Member

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 866, For the President's Files (Winston Lord)—China Trip/Vietnam Negotiations, Camp David Memcons, January 8–13, 1973 [January 23, 1973]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at 108 Avenue du Général Leclerc in Gif-sur-Yvette. All brackets are in the original. The tabs are attached but not printed.

In his message to President Nixon summarizing the day's meeting, Kissinger wrote: "Today's four-hour session continued the momentum of yesterday. I think we can now say with some assurance that the agreement, understandings and protocols should all be completed by Saturday [January 13] or Sunday [January 14], except perhaps for some technical conforming of the protocol texts." However, he cautioned: "It is always possible, of course, that Hanoi will reverse course, but the atmosphere and approach is totally different from December. Whatever the press and other observers may say about our military actions, they certainly seem to have contributed to this result."

Expressing his ongoing concern about the possibility of Saigon or Hanoi or both somehow short-circuiting the agreement, Kissinger added: "The need for the strictest security on the status of the talks, not to mention possible scenarios, remains as imperative as ever. Finally, of course, the problem in Saigon remains formidable. This fact plus the constant caveat about Hanoi's course of action mean that even private celebrations will be premature for many days to come." (*Foreign Relations, 1969–1976*, vol. IX, Vietnam, October 1972–January 1973, Document 258)

Trinh Ngoc Thai, Delegation Member
 Nguyen Dinh Phuong, Interpreter
 Two Notetakers

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
 Ambassador William Sullivan, Deputy Assistant Secretary of State (at end)
 George Aldrich, Deputy Legal Adviser, Department of State (at end)
 Winston Lord, NSC Staff
 John D. Negroponte, NSC Staff (at end)
 David A. Engel, NSC Staff, Interpreter
 Peter W. Rodman, NSC Staff
 Mrs. Mary Stifflemire, Notetaker

Dr. Kissinger: I notice the Minister is determined to have the Avenue Kleber meeting tomorrow.

Xuan Thuy: We talked to the PRG people and they say that there is not so much change.

Dr. Kissinger: What do you mean?

Xuan Thuy: There is no reason for a change. We should have the usual meeting.

Dr. Kissinger: Can we be somewhat restrained tomorrow?

Xuan Thuy: I told them to be moderate.

Dr. Kissinger: I assume you will not be there.

Xuan Thuy: Yes, I will not.

Dr. Kissinger: Well, we told Mr. Isham to be very moderate.

Le Duc Tho: Shall we begin, Mr. Advisor?

Dr. Kissinger: Yes.

Le Duc Tho: Now in the agreement we are listing the remaining questions. As to the question of Article 3(a), we tried to find out some way to solve it but we could not do that. Therefore we think that we can leave as it is.

Dr. Kissinger: There must be something very unfavorable about it.

Le Duc Tho: To save our experts some efforts to find out words. We could not find words. If we put it the "Saigon Administration" probably you will not agree. [Laughter] We tried to find out some words but we could not. So we think that if now there is one place of mentioning of the Republic of Vietnam then we can accept it.

Dr. Kissinger: All right.

Le Duc Tho: Now the signing. How have you decided?

Dr. Kissinger: Frankly, we have been exchanging telegrams with Washington and Saigon and we have not had a conclusive answer that I can present to you, and I wonder whether we could leave it until tomorrow. We are trying to look into it in a constructive way.

Le Duc Tho: The efforts are aimed at solving the question of the agreement in the best way. So now we can say that the agreement is complete in the main, except the signing.

Dr. Kissinger: That is correct.

Le Duc Tho: This is the result of the efforts from both sides.

Dr. Kissinger: That is right.

Le Duc Tho: Now let us discuss a number of understandings.

Dr. Kissinger: Correct.

Le Duc Tho: Regarding the understanding on Laos and Cambodia. [See U.S. draft at Tab A.] I expounded very lengthily my views regarding these questions with you during our previous meetings. I said that the question of Laos is somehow different from the question of Cambodia. Last time regarding the question of Laos before I left you handed me a confirmation and then I accepted that, and in returning to Hanoi I sent you a message confirming the content of that.

Dr. Kissinger: When is that? In December?

Le Duc Tho: No, in October. Before I left in October. You gave us the confirmation on the question of Laos and I agreed to that. Then afterward there was a message from our Prime Minister addressed to the President of the United States. Regarding Cambodia, I told you at that time that this was my view expressed orally, verbally; it should not be written into a written understanding. During our meetings in October I told you that, because as you understand we have some difficulty in that connection. If it were not as difficult as the question of Laos I would have settled this question more positively and differently and I have done regarding Laos. I explained to you at length that and you said you understood me.

Now the message I sent to you and the statement I made to you, I maintain them. And I said that regarding the question of Cambodia, it should not be written as you wrote. Moreover there are places where the written language is not accurate and conforming to my oral statement. But in any case, in our message addressed to the President of the United States there was a sentence on Cambodia and this sentence reflected adequately the views I expressed. Therefore I think that the documents we sent you and my verbal statements are adequate. I think that we should think of long-term relationship; we should think of the future, about the implementation of this document. We should think of the implementation of the agreement, of all other understandings. So we think that regarding this question it is adequate.

Regarding the time for the ceasefire in Laos, it may be shortened. But you also should reduce the time period for the withdrawal of American civilian personnel.

Dr. Kissinger: One day for each month? [Tho laughs.]

Le Duc Tho: It does not mean that we want to prolong the war in Laos. So it is the desire of our allies too. So, regarding the time for the ceasefire in Laos, I agree now with you that it will happen 15 days

after the ceasefire in Vietnam. It does not mean that we want to prolong the war in Laos for 5 more days. I agree with you on 15 days but I will further talk with our allies. They may further reduce the period, but it is up to them. But I agree with you on that period of time—15 days. I will endeavor. But it depends on our allies. Maybe they may need some time to prepare for shifting into peacetime. It is not my haggling with you for a few days. But since we have decided to put an end to the war we should put an end to the war, not to bargain for a few more days.

Dr. Kissinger: So you are saying in any event 15 days. Maybe shorter, but not longer.

Le Duc Tho: Not longer than 15 days. I will exchange with my allies when I return there. But let them decide. But here I agree with you on 15 days. But our allies may further reduce the period, the time period. And if now our allies decide to reduce the period then they will discuss with the other side. So I need not to answer you again on that question.

Dr. Kissinger: All right. Just to sum up my understanding—in no case more than 15 days. Your allies may decide they can do it in less than 15 days.

Le Duc Tho: I will exchange views with them. But otherwise the longest period is 15 days.

Dr. Kissinger: The longest period is 15 days. All right. That is fine. Now let me point out one thing—it doesn't make any difference practically whether 5 days more or less, whether 10 days or 15 days. We prefer the shortest possible period. I think it would make a very good impression in America if the period were the shortest possible. I think we have had many disappointments on the road to making peace, but if we now make peace we should really for both sides make a big effort to put our mutual relations on a basis of trust and normalization and reconciliation, and neither side should try to squeeze every advantage from the situation. And therefore in considering your talks with your allies, keep in mind the fact that it would be best in America if we could say the war is substantially over in Indochina.

Le Duc Tho: Now I and you agree on that period; but I take into account of your views in relation to the period.

Dr. Kissinger: That is why I said that. Now let me talk about Cambodia. I do not fully understand the exact nature of the difference between the two situations and what the practical consequence is.

Le Duc Tho: Now the point is with our allies in Laos we discussed with them and we may come to an agreement with them more easily. But with our allies in Cambodia it is with more difficulty when we discuss with them and come to an agreement with them. The circum-

stances I explained to you last time, and you said you understood these circumstances. Speaking as far as we are concerned, when we put an end to the war in Vietnam, what is the use to continue the war in Laos and Cambodia? It is not logical. But in Cambodia it does not completely depend on us only, like in Laos. But as I told you, after the end of the war in Vietnam we will actively contribute to the restoration of peace in Cambodia.

Dr. Kissinger: Our understanding is that all of the supplies for Cambodia come through the DRV.

Le Duc Tho: [laughs] But after the ceasefire in Laos, how the supply can go through Laos? That is the reason you insisted upon the ceasefire in Laos.

Dr. Kissinger: But they could come theoretically through the PRG territory in Vietnam. I don't want to give you any ideas, Mr. Special Advisor, that hadn't occurred to you.

Le Duc Tho: No, you see, when the agreement comes into force—when the ceasefire becomes effective in Vietnam—there will be control by the International Commission. Moreover the forces will remain in place, so there is no possibility . . . Personally I am thinking that when peace is restored in Vietnam and in Laos, I think that Cambodia should go in the direction of peace too. As you see, in Laos we talked with our allies and we come to an agreement with them. We can settle the problem in this way.

Dr. Kissinger: But the Special Advisor stops in Peking so often and agitates his Chinese friends against us, maybe he should call on other people in Peking too. [Tho and Xuan Thuy laugh.] When the Special Advisor gets through in Moscow and Peking and they come to criticize me, I never know what agreement we are talking about any more. They come with such a long list of complaints. [Laughter] From now on I will ask for reciprocity—whenever you go to Peking or Moscow I will go.

Well, but let me again understand the following concretely. Under the agreement you cannot use base areas in Cambodia against Vietnam. That is not affected by the difficulties with your allies, is it?

Le Duc Tho: Chapter VII, Article 20 explicitly stipulates about that question. When we sign the agreement we will abide by the agreement.

Dr. Kissinger: Secondly, what will DRV forces in Cambodia do after the agreement?

Le Duc Tho: In the message addressed by our Prime Minister to the President of the United States [it] explicitly deals with this question, and concretely.

Dr. Kissinger: So you maintain—so my understanding is correct—that, again, regardless of your allies you will withdraw your forces from Cambodia.

Le Duc Tho: When there is a ceasefire in Cambodia we will discuss the question together, because there are in Cambodia not only Vietnamese forces but also Saigon forces, etc. Be assured that when we have settled the question of Vietnam and the question of Laos, then it doesn't mean that we will continue the war in another place. If we do not want a peaceful settlement then it will become different.

Dr. Kissinger: Paragraph (d) of your Prime Minister's message says "the DRV side declares that Article 15(b) providing that foreign countries shall stop all military activities in Laos and Cambodia, completely withdraw from and refrain from reintroducing, etc., is applied to all foreign armed forces, including those of the United States, Thailand, and the Vietnamese parties, etc." That does not make it dependent on the ceasefire.

Le Duc Tho: But paragraph (d) is related to paragraph (c), the preceding paragraph, saying that "After the war in Vietnam is ended the DRV side will actively contribute to restoring peace in Cambodia. The DRV side has been clearly informed that there is no American captive in Cambodia." So it is after the war in Vietnam is ended. When we made the statement we will honor our statement. But you should understand the objective situation, the objective conditions, in settling the war in accordance with your desire.

Dr. Kissinger: Yes, we understand the objective situation to some extent, and we want to pay attention to it. But we cannot create a situation where we make peace in two Indochinese countries and the war continues in the other. I recognize it may be difficult to create a legal ceasefire in Cambodia but I think it should be possible to create a *de facto* ceasefire. We have told you we propose to recommend to our ally in Cambodia that he declare unilaterally a ceasefire after the ceasefire in Vietnam is signed. If the war is continued by Vietnamese forces or by Cambodian forces, this will create a very difficult situation, which we have emphasized to you in our message of October 20th.

Le Duc Tho: I told you on many occasions that we want peace, we want peace in Vietnam and in Laos, and after peace is restored in Vietnam and in Laos we also want peace to be restored in Cambodia. Therefore I told you that when peace is restored in Vietnam then the objective conditions, partly, and our subjective desire on our part, will contribute to the peace in Cambodia. But practically speaking, when discussing with our allies in Cambodia it is not as easy as when we discuss with our allies in Laos. But I am firmly convinced that the restoration of peace in Vietnam and in Laos will create favorable conditions for the restoration of peace in Cambodia, some objective conditions for that. But as far as we are concerned when we have a peace in Vietnam and when our allies in Laos have peace in their country, it is illogical that we still want war in another place.

Dr. Kissinger: But knowing your very persuasive powers, having been exposed to them for such a period of time, it is difficult for me to believe that you cannot convince your Cambodian allies to have at least a de facto restraint on military activities while you try to effect your subjective desires.

Le Duc Tho: You are thinking only of our Cambodian allies but there are other allies who are very difficult to persuade. [Laughter] You are surely aware of that.

Dr. Kissinger: It is Moscow?

Le Duc Tho: It is precisely a complexity of Cambodia.

Dr. Kissinger: Well, when Marxists-Leninists rely on Princes they are in great difficulty. [Tho and Xuan Thuy laugh.]

Le Duc Tho: So you have correctly understood the problem now. But I am firmly convinced that the restoration of peace in Vietnam and in Laos will create the favorable conditions for peace in Cambodia. As far as we are concerned, as I told you, we will actively continue to that purpose. It is something I am very frankly telling you. Because when we and you have made peace, not only us but also you should create some conditions for mutual understanding—not only us but you too, you should do so.

Dr. Kissinger: And that will be our effort. But as the Special Advisor knows, in I would suppose all countries there is a division of opinion as to the desirability of making a settlement. If now after a settlement is made the conflict continues in one of the countries, then all those who have doubts will be reinforced, and the execution of the agreement will not be carried on with the same intensity which is required in order to have a real improvement of the situation. Indeed we will be drawn into military operations in Cambodia, and you would be, and then we will fight in Cambodia rather than in Vietnam, and that would be senseless.

Le Duc Tho: As far as we are concerned, when we make peace in Laos and when there is peace in Vietnam and when there is peace in Laos, there is no reason that we still want war in another country of Indochina. But you should understand that in Cambodia there are not only Vietnamese forces but there are also forces of our allies, and with our allies in Cambodia we can't agree with them or they do not agree with us on everything. It is some objective situation and you should understand that. We do not agree with everything with them very easily, and this is the practical situation. But moreover I am always thinking that restoration of the peace in Vietnam and in Laos will create favorable conditions for the restoration of peace in Cambodia. And we will actively contribute to restoring peace in Cambodia.

Dr. Kissinger: Our view was expressed in our message, when we said: "If, pending a settlement in Cambodia, offensive activities are

taken there which would jeopardize the existing situation, such operations would be contrary to the spirit of Article 15(b) and to the assumptions on which this Agreement is based.” Are you familiar with that?

Le Duc Tho: You have reiterated your views in the message. As far as we are concerned, we have expounded our views in our message and I have just recalled this to you. What is said in the agreement, what is mentioned in my oral statement, what is mentioned in the understanding, we will carry out correctly, and you should do the same thing.

Dr. Kissinger: I agree. Now we have the following practical problem, namely how to record the understanding.

Le Duc Tho: Regarding Cambodia, as I told you as early as in October and on many occasions already, and my statement has been recorded in the proces-verbal, in the record. And since we began our negotiations, have you seen any case where I reversed my statement?

Dr. Kissinger: Yes. [Laughter] To be frank.

Le Duc Tho: No, that is not so. If there is any, there is some point in the agreement where we discuss and rediscuss.

Dr. Kissinger: Article 1.

Le Duc Tho: You want to refer to Article 8(c)?

Dr. Kissinger: Article 1.

Le Duc Tho: Regarding Article 1, our proposal you want to correct it and now we want to correct it. But moreover, this is a point under discussion. But when decision is made then we will abide by it. Regarding Laos, even if you do not record it on paper I will carry out my statement. You are aware that it is easier to come to an agreement with our allies in Laos. Therefore even if there is no specific understanding, only my statement and you have it in the record, I will carry it out.

Dr. Kissinger: But what is your concrete proposal?

Le Duc Tho: Our message mentioned about Cambodia, and my statement in the record. The Agreement it is explicit. In our message it is explicit. And we agreed to it that when peace is restored in Vietnam and in Laos we will actively contribute to the restoration of peace in Cambodia. This is a promise. It is absurd that when we make peace in Vietnam and in Laos we still want to fight in Cambodia. It is adequately settled. We should shift to another question.

Dr. Kissinger: No, because I don't understand what the Special Advisor thinks—how he thinks it is settled. Can you explain to me precisely how you think it is settled? You want your message to be the understanding?

Le Duc Tho: Our message addressed to you of October 21 is the understanding between us. Plus the chapters on Laos and Cambodia

in the agreement. But in our message it is more complete. We will fulfill our obligations under the understanding. Your proposals regarding Laos, we have settled that.

Dr. Kissinger: I understand this. My question now is . . . But then the first sentence of your message has no antecedent.

Le Duc Tho: We have explicitly and concretely expounded our views in our message. Moreover my statement has been recorded. Regarding Laos that is no problem at all. Regarding Cambodia I have expounded the situation to you and I have talked to you privately on many occasions, and it is adequate. Moreover what verbal statement I made has been put into the record and I will carry out my obligations under these oral statements. It is not that I swallow my words. Throughout our negotiations we have come as a result to the agreement, the basic agreement.

Dr. Kissinger: It is essential for us to maintain, to state our view on offensive actions, in the last paragraph in our message.

Le Duc Tho: It is up to you to maintain your statement. I can't prevent it. But you should realize our difficulty. I have spoken about this question on many occasions and particularly in October, and we accepted to your message, and the President of the United States felt he was satisfied with our acceptance.

Dr. Kissinger: Yes, but this implied the totality of the exchanges. We cannot have the President's statement as a separate statement if we don't have the other one.

Le Duc Tho: Our message in reply to your message is adequate and that led to the answer by the President of the United States. Since our reply was adequate, that explained why the President of the United States gave . . .

Dr. Kissinger: But your reply was adequate in the context of our first message, which we considered essentially accepted by your message.

Le Duc Tho: So in our message we said that we maintain what we had told you, and the following paragraph reflected the understanding between you and I.

Dr. Kissinger: Well, we interpreted it differently.

Le Duc Tho: We correctly understand what we verbally told you and what we wrote in our message.

Dr. Kissinger: Yes, but if you question what we have written down verbally, which is from our stenographic record—if you question that, then the stenographic record does not do us any good.

Le Duc Tho: No, in October I told you that regarding the question of Cambodia there should not be a written understanding. I told you verbally only. But in connection with the question on Laos you can have written understanding, and you agreed to that. But in our message

addressed to you, we had a sentence regarding Cambodia, and this sentence is a broad one. It covers adequately the question of Cambodia. You should understand our difficulties regarding Cambodia. Moreover, if we record it, it will complicate the problem later, and it is not in our mutual interest. It may happen that through a verbal statement the practical settlement is better and goes beyond the verbal statement. I have expounded this question very lengthily. We have put more than an hour to that question. We should shift to another. We will leave the practical situation in answer to your question.

Dr. Kissinger: I will give you an answer somehow to settle it tomorrow when we meet. I understand what you are proposing.

Le Duc Tho: And I have explained to you on this question on many occasions, last time and this time. Shall we settle the question rapidly or shall we drag it on? I have explained to you on many occasions, and I can say that on this subject I have spoken to you very openly. You should carefully think over my statements. Regarding Laos, we settled it very easily, even in the question of 10 days for the ceasefire in Laos: I told you 15 days but I told you also that we should further exchange views with our ally. But regarding Cambodia, I told you that once the Vietnam problem and the Lao problem are peacefully settled we will actively contribute to the restoration of peace in Cambodia. It is something very objective, so the understanding is very adequate. As I told you, in practice the situation will bear out this question. I don't know how you understand the problem but here we have the war in Vietnam, in Laos, in Cambodia: when the war in Vietnam and the war in Laos have been peacefully settled, there is no reason why the war in Cambodia will continue.

Dr. Kissinger: The Special Advisor is an expert on the war in Cambodia. He conducted operations there a long time. [Tho laughs]

Le Duc Tho: History will answer your question.

Dr. Kissinger: That is in the past. That is a fact.

Le Duc Tho: No one can think that if we have peacefully settled the war in Vietnam and it will follow in Laos, that we will still want to continue the war in another corner of Indochina. If we do not want a peaceful settlement then it is different. How shall we settle the Lao question? How should we agree with your allies in Laos? You should understand the practical, the real situation. Sometimes you stick to the wording and the sentence. You should understand the situation in accordance with the reality.

Dr. Kissinger: I will give you an answer tomorrow on how to handle it. I understand your point. And we won't have to discuss it tomorrow; we will just settle it tomorrow and we won't need any additional discussion.

Le Duc Tho: You should understand me. We have prolonged this question. But if you want to prolong, I will continue to discuss with you in this line. You see, the other day you said you wanted a rapid settlement. I have settled it. You should understand the rationale of that question.

Dr. Kissinger: But you must understand that in practice—we do not care about the legality, the formal obligation—but if in practice after there is peace in Vietnam and in Laos the war in Cambodia continues, it will make it very difficult to implement energetically the other provisions of the agreement.

Le Duc Tho: It is not quite correct, what you say. Here we have an agreement on Vietnam; we have to implement this agreement, and in the agreement there are many provisions. There are provisions on Cambodia, on Laos. We should implement them all. Likewise we can't say that you, the U.S., you still maintain your troops, your planes in Thailand, so you maintain your bases there, you continue to make pressures on us and then it will threaten the implementation of the agreement. You can't say that because each nation, each country is different.

Dr. Kissinger: But we have always maintained in every proposal, and it is no secret to you, that we want a ceasefire in all of Indochina. We are willing to have a *de facto* ceasefire, but there has to be a ceasefire.

Le Duc Tho: But you see, from the very beginning you propose a ceasefire throughout Indochina, but because of realities of each country we have to settle by stages, country by country.

Dr. Kissinger: I agree. But the result has to be the same.

Le Duc Tho: But we told you, and we can only tell you, that when peace is restored in Vietnam and in Laos, as far as we are concerned we will actively contribute to restoring peace in Cambodia. Why we can't settle more concretely as we did in Laos, it is because of objective difficulties. We shall shift to another question for discussion.

Dr. Kissinger: All right.

Le Duc Tho: Regarding the question of American civilian personnel, we would like to have a simple understanding with you. Let me read out the understanding. [Tab B] The title is "On the Withdrawal of U.S. Civilian Personnel Associated with Military Functions in South Vietnam." The U.S. undertakes to withdraw completely from South Vietnam and refrain from introducing into South Vietnam all civilian personnel of the United States and of the other foreign countries working in the armed forces of the Republic of Vietnam. The numbers of the above-mentioned civilian personnel shall be reduced gradually and their withdrawal will be completed within eight months of the signing of the Agreement on Ending the War and Restoring Peace in Vietnam.

Pending their withdrawal from South Vietnam none of the above-mentioned civilian personnel shall participate in military operations or operational military training.”

Now the question left here is the question of period. Your proposal of a 15-month period is too long. We have settled questions with you very quickly but you maintain this 15 months period, and it is no good.

Dr. Kissinger: It is based on a very careful study of what is realistic.

Le Duc Tho: So I put in general terms, but we do not mention categories.

Dr. Kissinger: No, the general terms I have no problem with.

Le Duc Tho: The question is now only the period of withdrawal.

Dr. Kissinger: That is correct.

Le Duc Tho: But 15 months are too many.

Dr. Kissinger: I am told they are too few.

Le Duc Tho: You see I have settled other time periods with you very easily, and you stick to this.

Dr. Kissinger: Yes, but it is a completely different problem. Because this involves certain objective necessities of technical competence, of which you have your own experience. Even you have certain technical advisors, and we are talking here about a number of technical personnel for complicated equipment. And in the October draft it was completely free. There was no restriction at all.

Le Duc Tho: But since then you have introduced a great quantity of armaments and civilian personnel. That is the reason why we have to raise the question with you. Moreover, you said that you want an end to U.S. military involvement in South Vietnam, and you said to me that you will withdraw all military personnel, military advisors, without any exception. That is why I raise the question with you. And moreover, I have taken into account of your necessities and therefore I told you you can keep them for some time, but after that you should withdraw them. But the time period is too long. You want to maintain them too long in South Vietnam. You should withdraw them more quickly. You should have realized that I have settled the question of the time period for the ceasefire in Laos very easily many times. I agree that you will maintain the civilian personnel for some time but it is too long.

Dr. Kissinger: Well, you say five days in the ceasefire in Laos, but it has no long term operative consequence. Its major utility is to enable us in America to start the new relationship in a positive way and not to have to conduct a war simultaneous with starting a new relationship. This provision is extremely disadvantageous to our allies because it has very concrete consequences and therefore we had to study how long it will take to train adequately Vietnamese personnel. All of our

experts have told us it will take 24 months. When I proposed 15 months it was probably a tactical mistake. Knowing the Special Advisor, I should have started at 24 and wound up at 15 as an act of good will. [Tho laughs] But I gave him what all of our experts tell us is an absolute minimum figure.

Le Duc Tho: But I should say that the question of Laos is not like you understand it. The ceasefire in Laos is very significant not only militarily but also politically. In your mind there is the situation only in the United States. It is not confirming to reality. So the 15 days regarding Laos is some reality, but 15 months there is also reality. But here I want to say only that it is too long a period. I would like that you will reduce it a little.

Dr. Kissinger: Let me make this suggestion. Let me say that the great majority will be withdrawn within 12 months and the remainder within 15 months.

Le Duc Tho: So let us put as follows: "They will gradually be withdrawn and will complete the withdrawal within ten months."

Dr. Kissinger: That is out of the question.

Le Duc Tho: Ten months after the ceasefire is a long period, so that they can be withdrawn completely in ten months.

Dr. Kissinger: It is just physically impossible, ten months. What I have told you is possible. If we say the great majority in 12 months, or even say the remainder in 14 months. But there probably has to be a very small group of highly technical people.

Le Duc Tho: I have made my utmost effort regarding the time period. Because after the end of the war you should withdraw all your forces. Because if you remain there you will help the Saigon people to continue the war, and therefore we propose this time period. It is most reasonable.

Dr. Kissinger: Well, we cannot accept ten months, but let me see whether we can make another proposal tomorrow morning.

Le Duc Tho: All right. You will think it over. Shall we shift to another question?

Dr. Kissinger: Yes.

Le Duc Tho: Regarding 8(c).

Dr. Kissinger: I thought you were going to drop it.

Le Duc Tho: I will not drop it. I maintain your other commitment only.

Dr. Kissinger: We have tried to rephrase this and maybe you will translate it. [Hands over copy of Tab C. Mr. Phuong translates aloud in Vietnamese.]

Le Duc Tho: [Shaking head] We can't accept this proposal of yours.

Dr. Kissinger: Why is that?

Le Duc Tho: Because when I proposed the symbolic redeployment of armed forces of the PRG, it was done in the framework of our demand to change completely 8(c). But you did not accept that proposal. We maintain 8(c) as it is. We maintain one engagement you made to us and we recall this question in our message addressed to the President of the United States. So the President of the U.S. was satisfied with our reply to replace Article 8(c) and the replacement of armaments, and considered the agreement was complete. And in this message we recall this engagement. Therefore we maintain this promise.

If you put now this complicated question I think it cannot be solved. So I think you are putting obstacles to the settlement of the Vietnam problem. I think you are putting obstacles to the settlement of the Vietnam problem. We can never accept that. I have also told you on many occasions about these questions. We maintain and we respect what we told you, but what you told us, you changed it. If you put this question I think that it will be never solved. And if you want to drag it on, then we will drag it on too, because there is no way to settle it. Last time I told you, on many times your commitment, you change it again and again. Have you seen any commitment made by us and we change it?

Dr. Kissinger: Yes, but we don't want to debate it.

Le Duc Tho: It is not true. The understandings we made with you, we maintain them.

Dr. Kissinger: First of all the Special Advisor is a great theorist, but as an historian his method has its peculiar aspects. A message which he acknowledges he doesn't consider binding. A message by us. But a message by him which we did not acknowledge, he considers binding.

Le Duc Tho: It is not true what you understand.

Dr. Kissinger: But in order to expedite this discussion, let me say the following. What we have said in the second paragraph is an objective fact. But it is not necessary to express it in an understanding, and therefore, in order to promote a rapid solution of this problem I will withdraw that second paragraph.

[At this point, 4:55 p.m., Messrs. Negroponte, Sullivan and Aldrich arrived and joined the meeting.]

Le Duc Tho: Shall we propose a little break, that I may consider this?

Dr. Kissinger: All right.

Ambassador Sullivan: Mr. Thach left ahead of us. I think he came by a shorter route.

Le Duc Tho: How is the result of your discussions today?

Ambassador Sullivan: We finished our work on the ceasefire and the Joint Military Commission protocol and left four subjects for buffalo trading.

Dr. Kissinger: I must borrow a few buffalo. I haven't many left.

Le Duc Tho: Have you made some progress?

[Vice Minister Thach arrives.]

Ambassador Sullivan: Yes. Ask Mr. Thach.

Le Duc Tho: But Mr. Special Advisor has not made any progress here. So we have set an example for you to follow.

Dr. Kissinger: I still have my pants. He has already got my shirt.

Le Duc Tho: You have been attacking me today. And prolonging.

[There was a break in the discussions at 5:00 p.m. The Vietnamese group adjourned to the upstairs, while tea and light refreshments were served to the U.S. side in the meeting room. Kissinger and Tho conferred briefly privately. The meeting resumed at 5:45 p.m.]

Le Duc Tho: Now there are two understandings left to be discussed. On Article 8(c), I propose that you rewrite your statement of October 17.

It is very clear. Let me read it. "The U.S. side reaffirms the engagement made on October 17, 1972 by Dr. Henry Kissinger, Assistant to the President of the United States that the U.S. side will use its maximum influence over the Republic of Vietnam to secure the return of the greater part of the Vietnamese civilian personnel captured and detained in South Vietnam within two months of the signing of the Agreement (etc.) and the return of the rest during the third month."

Dr. Kissinger: Do we have that in English? It is not often that people list both my academic and my government title. [Laughter]

Le Duc Tho: Please delete what is superfluous. [He hands over Tab D.]

Dr. Kissinger: My father who clips everything that has my name in it will be very pleased with it. [Laughter] Let me say we accept this in principle and we will rewrite it tonight so that Mr. Aldrich's legal talents are not wasted. But we will stay within the principles and the substance of this. And we will bring it tomorrow. This will not be a major difficulty.

Le Duc Tho: Now, regarding the moving of U.S. aircraft carriers to 300 nautical miles from the shores of Vietnam. [Reads in Vietnamese] "The U.S. side reaffirms the statement in its message of October 20, 1972 and undertakes that as soon as the Agreement on Ending the War and Restoring Peace in Vietnam comes into effect aircraft carriers of the United States shall move their stationing points to 300 nautical miles off the coast of Vietnam except for transit purposes."

Dr. Kissinger: First, of all, there is one respect in which I know this does not reflect our understanding, namely that whatever restriction

we accept can be implemented only after the withdrawal is completed, in other words after sixty days. Secondly, we have the difficulty, as I pointed out to the Special Advisor yesterday, that as a matter of principle we have not ever accepted any limitations on our naval deployment. And to accept such limitations with respect to a friendly country . . . it is one thing to accept it with respect to North Vietnam; it is another to accept it with respect to a country with which we are allied. But I have to get this question studied again overnight, because the initial reaction of Washington was very negative.

Le Duc Tho: Have you finished, Mr. Advisor?

Dr. Kissinger: Yes.

Le Duc Tho: On October 20 you made this statement and lately I discussed with you and you said that you will reconsider the question regarding the shores of "Vietnam" and not of "North Vietnam." And now you want to change it again. We just record, we just put on paper, what you said previously. And we said it "except in transit," so whenever you have to carry out transit journey then you can do that. Now regarding the words "shores of Vietnam," during the war you used aircraft carriers to launch attacks against both North and South Vietnam. Now the war is ended, and if you keep aircraft carriers in South Vietnam then the pressure continues over South Vietnam.

Dr. Kissinger: Of course there is no question of our keeping them in South Vietnam.

Le Duc Tho: And you stated also on December 12, you did not say anything about sixty days, about the restriction applying only after sixty days, on December 12. So I think that you changed your statement again and again. I do not do that.

Dr. Kissinger: If you review the record of the meetings which refers to aircraft carriers, you will find that we always said this was after the withdrawal was completed. In October.

Le Duc Tho: Why is it you told this to me on October 20 and December 12?

Dr. Kissinger: As a practical matter it is simply impossible for us to deprive our friends in Vietnam of the protection of aircraft carriers while we are still there. That can never be done. On October 11 I said this precisely: "After the withdrawal of our forces is completed the aircraft carriers will be moved a distance of 300 miles."

Le Duc Tho: But in December you did not say this.

Dr. Kissinger: Because I was still in the context of the other. But as a sign of good will we will be prepared to move them some distance away from the shores of North Vietnam right away. This is not the problem. North and South. I can give you this as an oral assurance that as soon as the agreement is signed we will move our carriers out of the Gulf of Tonkin.

Le Duc Tho: But you will maintain the aircraft carriers in South Vietnam to make pressure on us in South Vietnam. And I think that since peace is restored there is no reason to keep them in South Vietnam. So we say "except for transit purposes," so it reflected the freedom of the sea already. So I think that our proposal is reasonable and logical. And such a solution in the conditions of peace is reasonable and logical. In my mind the questions of the understandings have nothing complicated or confused, but you drag it, the discussions.

Dr. Kissinger: I do not drag it at all. We disagree. Just because we disagree does not mean I drag it.

Le Duc Tho: But I think that the solution of the question is already reasonable and logical, because now peace is restored and the aircraft carriers should leave the coast of Vietnam. So previously these aircraft carriers attack both North and South Vietnam, now they move a little further from the coast of Vietnam. And if you want to wage war then you can bring them in 15 minutes. But this fact will show to us whether you want war or you want peace. Because if you want war, then even [from] the aircraft carriers stationed so far from the coast of Vietnam you can send the planes in. But our people will not understand that after the restoration of peace U.S. aircraft carriers are still near the coast of Vietnam, not only in the North but also in the South.

Dr. Kissinger: Well, we will keep them out of eyesight. [Laughter] Nobody will see an aircraft carrier.

Le Duc Tho: We can't hide from them.

Dr. Kissinger: You can't . . . ?

Le Duc Tho: We can't hide them from our people . . .

Dr. Kissinger: Well, for that matter how do you know where the aircraft carriers are?

Le Duc Tho: But the point is to bring about a reasonable and logical solution. But frankly speaking, if now you stationed your aircraft carriers at 150 miles from the coast of Vietnam or 200 miles from the coast of Vietnam, we can't know. But it shows your good will and your real desire for peace. Because our people will see no point for you to keep your aircraft carriers in the area of the coast of Vietnam and to make pressure on us. So I have told you all my arguments.

Dr. Kissinger: This is a question we have to study tonight.

So to sum up, on paragraph 8(c) I think we will find and give you a formula tomorrow which substantially meets your concerns. On civilian technicians, could I have the text? Could you write out the text you read to me?

Interpreter: I have handed it to you.

Dr. Kissinger: On technicians the Special Advisor read me a text. I have to get another estimate on accelerated training schedules, and

we will find a solution. And on aircraft carriers, that is a very complex problem. Because it affects many other countries also.

Mr. Phuong: Please check up whether we have handed it to you.

Dr. Kissinger: The Special Advisor read me something. [Tho hands over another copy of Tab E.] This is it. I just wanted to have the text of what the Special Advisor read in our stenographic record. The one which says 18 months. [Laughter]

Dr. Kissinger: [Reading] It doesn't show February. We are only 150 days apart. No, we will make a realistic proposal tomorrow.

Le Duc Tho: So all this afternoon, the signing, it is not yet discussed: the understandings, no understanding is completed.

Dr. Kissinger: Well, we have had our discussion on the understanding and it will be settled very quickly tomorrow. I think with the exception of the aircraft carrier, they can all find a rapid solution.

Le Duc Tho: Please take into account our views on the aircraft carriers.

Dr. Kissinger: Yes, very much.

Le Duc Tho: Because it is a question here of reason and sentiments too. What shall we discuss now, Mr. Advisor?

Dr. Kissinger: We can discuss a possible schedule. I must leave on Saturday evening. That is the 13th. Now, first, I wanted to ask the Special Advisor how he thinks the initialing should be conducted.

Le Duc Tho: You have decided or you intend to leave Paris on January 13. But it will depend on the way of discussing matters. I am afraid that if you discuss as you have done this afternoon, I am afraid that you will not be able to leave on the 13th. As to me, I have much experience with regard to the schedule you propose. In a word, in order to put in practice your schedule, we should present a realistic solution to the problem. To keep to the schedule.

Dr. Kissinger: I agree.

Le Duc Tho: But I wonder whether the schedule you propose this time will be kept. But if it can be kept I agree with you.

Dr. Kissinger: Well, we cannot be sure about the schedule of our discussions here in Paris because this depends on both parties. But after we leave here we will keep the schedule.

Le Duc Tho: As to the initialing, it is up to you. If you want to initial the agreement in Paris, it is all right. If you want to initial it in Hanoi, as you proposed previously, it is all right. Any way is acceptable to us.

Dr. Kissinger: All right. That affects the schedule. If we do it in Paris it can be effected more quickly than if it is initialed in Hanoi.

Le Duc Tho: It is up to you to choose.

Dr. Kissinger: Well, we will let you know tomorrow.

Le Duc Tho: Yes.

Dr. Kissinger: In any event, 24 hours after we leave here we will send General Haig to Hanoi.

Ambassador Sullivan: To Saigon.

Dr. Kissinger: To Saigon. We have to get Haig into Hanoi more quickly than you get there! We have to get our side of the story across! And that will probably take three days. So if I leave here on the 13th, he would leave the evening of the 14th. We would stop the bombing within 3 hours after that, after I arrive in Washington. Say, by noon at the latest on Monday, Washington time. So we could initial the agreement in Paris about the 22nd. Realistically the 22nd, maybe earlier. In Hanoi, the 25th or 26th. The signing should be about three days after the initialing. If we initial it in Paris and if you think it worthwhile, we would still be prepared to come to Hanoi afterwards to discuss post-war relations. After we sign it.

Le Duc Tho: But after the initialing, then when do you intend to go to Hanoi?

Dr. Kissinger: Well, if the initialing here is on the 22nd and the signing is on the 25th or 26th, I would be prepared to come to Hanoi the following week. [Lord confers with Kissinger] Mr. Lord is a Vietnamese religious expert. He doesn't want to interfere with your Tet celebration. [Tho laughs] We are assuming you are celebrating it in peaceful ways this year.

Le Duc Tho: It depends on the settlement we have.

Dr. Kissinger: So those are the two possibilities. We will give you our suggestion tomorrow. But either one of these schedules we will firmly keep. If we conclude by Saturday night, and I think we can.

Le Duc Tho: Are you finished?

Dr. Kissinger: Yes, I am finished.

Le Duc Tho: Now regarding your intention to leave Paris on Saturday evening, I think that if we make efforts—we will make effort, but particularly you should make effort—then you can keep that date.

Dr. Kissinger: I have used that in many dinner conversations. [Tho laughs] We will both make a big effort. If we are determined to settle it by Saturday night we will do it. We have no intention of delaying. We will settle the understandings in an hour tomorrow morning.

Le Duc Tho: Now regarding the visit of General Haig to Saigon or the time of your leaving Paris, it is up to you. Because if we finish our work on Saturday, then when you will leave Paris or when General Haig will leave for Saigon, it is up to you. Because it is your program.

If you leave Paris on Saturday evening the 13th, then by noon the 15th Washington time the bombing will be stopped.

Dr. Kissinger: That is correct, and probably in fact a little earlier.

Le Duc Tho: And the mining too?

Dr. Kissinger: Yes. But not reconnaissance. I know you won't agree to it. I am just telling you. But we are talking only about a week then.

Le Duc Tho: But it would be better if you reduce the time for the stopping of bombing to 24 hours—it would be better.

Dr. Kissinger: We will reduce the intensity anyway.

Le Duc Tho: If you reduce it by 24 hours and it will be 12 hours after your departure, it will be better.

Dr. Kissinger: He is a tremendous buffalo trader. He has already gotten 12 hours; now he is doubling it. Have I got the hours wrong?

Le Duc Tho: Yes. If you now leave Paris in the evening of the 13th then it will be noon in Washington.

Dr. Kissinger: No, it is from my arrival in Washington.

Le Duc Tho: Then you will stop the bombing at noon the 15th, then it will make 48 hours.

Dr. Kissinger: I said 48 hours from my arrival. The problem is this. We want to announce the departure of Haig before we announce the end of the bombing. But we will reduce it in that period; from the time I leave here we will immediately reduce it. We will reduce the intensity.

Le Duc Tho: So you mean 36 hours after your arrival in Washington? But regarding the time for the cessation of the bombing, you said on many occasions that 48 hours after we reached basic agreement in Paris then the bombing would be stopped. Now you say 48 hours after your arrival in Washington.

Dr. Kissinger: But what is the difference—in 36 hours.

Le Duc Tho: Because you said that this bombing will be stopped 48 hours after we reached agreement in Paris.

Dr. Kissinger: What's your definition? When I leave Paris we have reached basic agreement?

Le Duc Tho: Yes, I understand that.

Dr. Kissinger: We have two problems. One, it is important—in order to avoid some of the events of last October—that we do not announce this before Haig is on the way.

Negroponete: [To Dr. Kissinger] The problem is they are worried you may not go back directly to Washington.

Dr. Kissinger: Oh, I see. You are afraid I will stay an extra day in Paris. No, the day we conclude here I will leave. I will leave within several hours after we conclude then. I will not stay in Paris one hour longer than I have to. I will return immediately. I will not delay here.

Le Duc Tho: So you return to Washington.

Dr. Kissinger: The day we finish I return to Washington immediately.

Le Duc Tho: So 36 hours after your arrival in Washington the bombing will be stopped.

Dr. Kissinger: Yes, or maybe even sooner. The question is, quite honestly, we want to announce the departure of Haig first before we announce the ending of the bombing, so that those two events don't create a problem.

Le Duc Tho: You say that after we reach agreement here in Paris, then the bombing will be reduced.

Dr. Kissinger: Yes.

Le Duc Tho: And then when you arrive in Washington, in 36 hours the bombing will be stopped.

Ambassador Sullivan: And the mining.

Le Duc Tho: And the mining, of course. Thirty-six hours after your arrival in Washington.

Dr. Kissinger: That is right. I will give you the exact hour when I leave. At our last session I will give you the exact hour when the bombing will stop.

Le Duc Tho: And the shorter the better, the period. I propose 24 hours. As to the initialing, whether it is to be in Paris or in Hanoi, I will consult my government. But please let us know your proposal.

Dr. Kissinger: Tomorrow.

Le Duc Tho: Tomorrow, and then three days after the initialing there will be the official signing of the agreement.

Dr. Kissinger: Yes.

Le Duc Tho: You told me about avoiding big operations after we have reached agreement. I can tell you the following. From PRG sources we know that the Saigon Administration is preparing for big military operations, mobilizing ground forces, air forces and naval forces to attack many areas of the PRG. So before the ceasefire becomes effective, if a situation happens as the Saigon Administration is preparing, then there is no limitation until the ceasefire becomes effective. But to show our good will after the cessation of bombing against North Vietnam, both sides should not launch battalion-size operations and above.

Dr. Kissinger: After when?

Le Duc Tho: After the cessation of the bombing against North Vietnam. Until the ceasefire becomes effective, then both sides shall not launch military operations with battalion strength or above. But after the cessation of bombing against North Vietnam until the ceasefire, if the Saigon Administration launches big operations against the PRG, then the PRG will fight back. We ask this to show our good will. We do not want big military operations.

I propose other things too. I just raise it to you. I raise the question that after we settle the problem of Vietnam, after we sign the agreement and after the ceasefire comes into effect, then we should fix the date for the two South Vietnamese parties to meet. Therefore, I would think that after the agreement is initialed, then the two South Vietnamese parties will meet in Paris to discuss in a friendly way about the place of the meeting, the way to discuss things.

Dr. Kissinger: Before the signing?

Le Duc Tho: After the initialing.

Dr. Kissinger: Don't you think it is better . . .

Le Duc Tho: After the initialing.

Dr. Kissinger: Don't you think it is better not to excite them too much until after the signing is finished? I hate to think what Mr. Duc and Madame Binh are going to do to each other in their first meeting.

Le Duc Tho: No, I am thinking about the two South Vietnamese delegations here in Paris.

Dr. Kissinger: Oh, in Paris.

Le Duc Tho: Will meet to discuss the place of their meeting, the timing, the procedure. I raise the problem. So that they may exchange views on the place of their future meetings, the timing.

Dr. Kissinger: If you envision this . . .

Le Duc Tho: And then after the ceasefire they will meet.

Dr. Kissinger: . . . then the Minister can encourage his friends to be on somewhat more restrained behavior tomorrow so that they get used to talking to each other in a more civil fashion. Just to get into practice. In principle we have no problem with this. But it depends of course on the two South Vietnamese parties.

Le Duc Tho: And we think that after the conclusion of the agreement in Paris, the signing, then these meetings should be in South Vietnam. Because after the Paris Conference is closed, I suggest to you.

Dr. Kissinger: It is mostly to be decided between the two South Vietnamese parties.

Le Duc Tho: I think we will exchange views with you on that question. And the three Vietnamese parties. How do you envisage the Paris Conference after we sign the agreement? Because the Paris Conference has concluded each task.

Dr. Kissinger: I think we can close it down too. We might keep it for sixty days while the Four-Party Joint Commission . . .

Le Duc Tho: The Four-Party Joint Commission may come here to exchange their views on the formation. Because this Commission should be formed before the ceasefire, so that when the ceasefire comes into effect then the Joint Commission will operate immediately.

Then there is the question of the international guarantee conference. Because we have agreed that the international guarantee conference will be convened one month after the signing of the agreement. Then the parties should invite the participants, discuss the invitation.

Dr. Kissinger: Yes, we two should discuss the invitations.

Le Duc Tho: We should discuss the question of this international conference and the question of invitations.

Dr. Kissinger: That is correct.

Le Duc Tho: One week after the signing of the agreement.

Dr. Kissinger: All right. Where should we do that? You and I?

Le Duc Tho: We are exchanging views on that.

Dr. Kissinger: Yes.

Le Duc Tho: And afterward, after the ceasefire, after restoration of peace in Vietnam, how you and I should continue our contact?

Dr. Kissinger: First, Mr. Special Advisor, if we should go to Hanoi after the signing, then we could discuss the invitations in Hanoi—if we initial here and if I come to Hanoi say a week after the signing. And you and I can stay in contact initially through the channels we have used here and decide to meet whenever we think it is important. And I think we should meet to make certain that the agreement is carried out properly, from time to time. And to discuss normalization of our relations.

Secondly, as I have told you, under conditions of peace, we are prepared to move towards establishing diplomatic relations and initially some points of contact between you and us.

Le Duc Tho: We will discuss these questions.

Dr. Kissinger: And we are open to other suggestions, but I think in principle we should remain in close contact.

Le Duc Tho: Of course. Because after the restoration of peace then we should think about how to keep close contact with each other, how liaison will be made.

Dr. Kissinger: Exactly.

Le Duc Tho: And where it will be made. Because these are the few questions I would like to raise to you for your thinking.

Dr. Kissinger: The Special Advisor can reciprocate our visit to Hanoi by coming to Washington. [Tho smiles] He can bring both of his saboteurs with him. [Laughter] But only if the Minister stays off television. [Xuan Thuy laughs]

Le Duc Tho: If now I go to Washington after the restoration of peace, I would not be accompanied by saboteurs.

Dr. Kissinger: You will receive a very warm welcome.

Le Duc Tho: So after you raised the schedule, I raise a number of questions for your thinking.

Dr. Kissinger: So then tomorrow we will complete the understandings rapidly. [Tho nods yes.] And then we will discuss the issues of principle in the protocols. Perhaps it would be good if Ambassador Sullivan indicated what he thinks the issues are so we are sure the Vice Minister has the same understanding of the problem. Not the substance, just to explain what the topics are.

Minister Thach: We have agreed upon it.

Dr. Kissinger: Oh, you have agreed upon it.

Ambassador Sullivan: Yes, four issues.

Dr. Kissinger: Oh, then we don't have to review it.

Minister Thach: No need.

Dr. Kissinger: OK, so then we will discuss those four issues tomorrow. When shall we meet tomorrow, Mr. Special Advisor?

Le Duc Tho: In the morning.

Dr. Kissinger: All right. Ten o'clock.

Le Duc Tho: Ten o'clock.

Dr. Kissinger: At our place? At the golf course?

Le Duc Tho: In your place.

Dr. Kissinger: All right. Now in order to speed things, maybe we can have the experts there also, and while the Special Advisor and I discuss understandings the experts could continue discussing protocols, and then when we are ready to turn to the protocols the experts could join us. How would that be? Or alternatively the experts can meet here.

Le Duc Tho: At the same place then?

Dr. Kissinger: There are two possibilities. One is everybody meets at the golf course. The other possibility is that the experts meet here at ten o'clock and join us at one o'clock. Because by one we will certainly be finished with the understandings. [Tho nods]

Dr. Kissinger: It is easier to meet together. So if you are willing to come to our place.

Le Duc Tho: Yes, we agree.

Dr. Kissinger: And we have the experts in a separate room on the protocols while we discuss understandings, and then whenever we are ready for them they will join us.

Le Duc Tho: I agree.

Dr. Kissinger: Good, and we will make tomorrow very rapid progress.

Le Duc Tho: If you will make an effort, I will make an effort. [Laughter]

Dr. Kissinger: I have my necessities and you have your necessities.
[Laughter] Yes, we will both make an effort.

45. Memorandum of Conversation¹

Paris, January 11, 1973, 10 a.m.–4 p.m.

PARTICIPANTS

Le Duc Tho, Special Adviser to DRV Delegation to the Paris Conference on Vietnam

Xuan Thuy, Minister, Chief DRV Delegate to Paris Conference on Vietnam

Nguyen Co Thach, Vice Minister for Foreign Affairs (after lunch)

Phan Hien, Delegation Member

Nguyen Dinh Phuong, Interpreter

Two notetakers

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs

Ambassador William Sullivan, Deputy Assistant Secretary of State (after lunch)

Winston Lord, NSC Staff

John D. Negroponte, NSC Staff (after lunch)

David A. Engel, NSC Staff, Interpreter

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 866, For the President's Files (Winston Lord)—China Trip/Vietnam Negotiations, Camp David Memcons, January 8–13, 1973 [January 23, 1973]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at La Fontaine au Blanc, St. Nom la Bretèche. All brackets are in the original. The tabs are attached but not printed; on Tab D, see Appendix 3.

In Kissinger's report to Nixon on the day's meeting, he noted: "We finished the complete text of the agreement, including the provisions for signature." With the final text in hand, Kissinger focused on obtaining the agreement of South Vietnamese President Thieu: "Our major problem now, of course, is Saigon. I believe the only way to bring Thieu around will be to tell him flatly that you will proceed, with or without him. If he balks and we then initial, there will still be 3 to 4 days between initialing and signing for the pressures to build up. I have already told Le Duc Tho that we would have to discuss the situation in this eventuality. In any event, if we once again delay the initialing or reopen the negotiations, we would not only jeopardize but certainly lose everything that has been achieved." (*Foreign Relations, 1969–1976*, vol. IX, Vietnam, October 1972–January 1973, Document 263)

Nixon replied quickly, in full agreement with Kissinger: "I also totally agree that we must go ahead with the agreement with Hanoi regardless of whether Thieu goes along or not. If we cannot deliver Thieu, we then obviously will have the problem of Hanoi's reaction. In that event, there would be no Presidential announcement made on Thursday, January 18. Instead, we would have Haig delay his return so that there would be no pressure for an announcement until after January 20. Then, on January 22, I would make an announcement that we had reached an agreement in principle with the North Vietnamese and call on Thieu to adhere to it. I have already told Haig that he is to tell Thieu that we are not going to negotiate with him but rather that we will proceed and we are presenting this, in effect, on a take-it-or-leave-it basis." (*Ibid.*, Document 264)

Peter W. Rodman, NSC Staff
Miss Irene G. Derus, Notetaker

Dr. Kissinger: We have the following matters. We have first of all the problem of signing. We have secondly a number of understandings. We have a few observations about the schedule, and then we have the question of protocols.

Le Duc Tho: I agree.

Dr. Kissinger: Should I say a few words about the signing first and then turn to the understandings?

Le Duc Tho: Yes.

Dr. Kissinger: On the signing we agree to a two-party signing and a four-party signing. The four-party signing should be done as we proposed, each signature on a separate sheet of paper but bound into the same document with a title and signed at the same ceremony, preferably Avenue Kleber.

Now I must tell you frankly we have not yet the full concurrence of Saigon on this but this is our view of the matter. We would like to reserve for another day whether both ceremonies should be public or one of them should be private.

Xuan Thuy: What do you mean by private?

Dr. Kissinger: He [Xuan Thuy] does like television.

Xuan Thuy: For clarification.

Dr. Kissinger: By private I mean it is known that it is signed but whether there is television or press present when the signing occurs at both ceremonies or only at the two-party ceremony . . . But it is in any event known that both documents are signed. This is our proposal about the signing.

Le Duc Tho: Now let me speak about the signing, Mr. Special Adviser. For the copy signed by the two parties, in this Preamble we should say "the Government of the Democratic Republic of Vietnam with the concurrence of the Provisional Revolutionary Government of the Republic of South Vietnam, the Government of the United States with the concurrence of the Republic of Vietnam, etc."

Dr. Kissinger: All right. [Tho hands Tab A.]

Le Duc Tho: And then Article 23. "The text of the Agreement signed by the Ministers for Foreign Affairs of the Democratic Republic of Vietnam and of the Government of the United States, together with the text of the agreement with the same content and with the same terms and signed on this same day by the Ministers of Foreign Affairs of the Democratic Republic of Vietnam, the United States, the Provisional Revolutionary Government and of the Government of the Republic of Vietnam constitute a single international agreement called the Paris

Agreement on Ending the War and Restoring Peace in Vietnam. This international agreement comes into force as of the signing of the two texts of the Agreement as described above. All the parties concerned shall strictly implement this international Agreement and the annexed protocols."

Dr. Kissinger: We have a slightly different text for Article 23 of the Agreement, which has the same meaning and I propose that our two legal experts look at it. There is no substantive difference. There is no intention of having a different meaning. Do you want me to read it to you?

Le Duc Tho: Please read on.

Dr. Kissinger: [reading] "This Agreement shall enter into force upon signature by representatives of the Government of the United States of America and the Government of the Democratic Republic of Vietnam, and upon signature by a representative of the Government of the Republic of Vietnam and by a representative of the Provisional Revolutionary Government of the Republic of South Vietnam of an Agreement. It shall be strictly implemented by all the parties concerned."

The difference is that you also mention the protocols. I will accept this. Secondly, you mention Foreign Ministers and we mentioned representatives. I think you might prefer not to mention Foreign Ministers because we cannot absolutely force Saigon to send their Foreign Minister. I mean it should be valid whoever signs it. But there is no substantive difference.

Le Duc Tho: In our draft there is another sentence that all these two texts constitute a single international agreement.

Dr. Kissinger: I will have to check that with our legal experts. I knew Mr. Hien had cooked up something clever here that would be substantive.

Le Duc Tho: Here there are three questions in this. Now for the copies signed by the DRV and the U.S., it will be signed by the Foreign Ministers.

Dr. Kissinger: No question. This we can guarantee.

Le Duc Tho: But for the copy signed by the four parties, if you put representative of the government then will a representative . . .

Dr. Kissinger: Our representative will be the Foreign Minister.

Le Duc Tho: Therefore I would propose that regarding the DRV and the U.S. we should put Foreign Ministers.

Dr. Kissinger: That is fine.

Le Duc Tho: But for "representative", regarding the Saigon Administration you put "representative." What do you mean by that?

Dr. Kissinger: We will strongly recommend Foreign Minister. We will press for the Foreign Ministers. But supposing they say their Ambassador to the Peace talks should sign it? We cannot make the coming into force of the Agreement depend on the rank of the person signing it. On our side, we guarantee that our Secretary of State will sign the document in all circumstances, regardless of what Saigon does. And he will sign both documents in our case, providing your Foreign Minister signs both documents.

Le Duc Tho: So we have settled the question of the copy signed by the DRV and U.S.

Dr. Kissinger: It will be done by the Foreign Ministers.

Le Duc Tho: We have settled this question. So in Article 23 we will put the Foreign Minister of the DRV and Foreign Minister of the U.S.

Dr. Kissinger: That is right.

Le Duc Tho: We have settled the question of the copies of the Agreement being signed by the two Foreign Ministers of the DRV and U.S.; but regarding the copy signed by the four parties, I think that there is no problem in having the four Foreign Ministers sign this copy of the Agreement because the Paris Conference has lasted for over four years now. The whole world have paid attention to this Agreement. Now if we have agreed on the text of the Agreement and we come to the signing of this Agreement, if now there will be part of the signatories who are Foreign Ministers but another part who are not Foreign Ministers but representatives of the Government of Saigon then there is something abnormal. Therefore we think there should be four Foreign Ministers signing the Agreement. It looks very awkward when if the three signatures will be the Foreign Ministers of the U.S., the DRV, the PRG and the fourth will be Ambassador Pham Dang Lam for instance.

Dr. Kissinger: Well as I say, we can say our Secretary of State will sign both documents. That is in our control. Secondly, I have the strong impression that Minister Xuan Thuy will be able to persuade Madame Binh to sign for the PRG. I am not sure but it is my guess. [Xuan Thuy laughs] We will use our maximum influence, we will use very great pressure, to get Saigon to send its Foreign Minister. So I agree with you in principle, but I believe that once we agree, if we agree, we should put the Agreement into effect as rapidly as possible.

Le Duc Tho: Yes, it is a matter of course once the Agreement is signed we want it to become effective immediately. We may issue a statement about our respect for the Agreement.

Dr. Kissinger: I just was thinking of a way to avoid pretexts for delay. I have no reason to suppose that their Foreign Minister will not sign it.

Le Duc Tho: Yes, I think that the most logical way is to have the Agreement signed by the four Foreign Ministers.

Dr. Kissinger: I agree with you but we should not write the Agreement in such a way that its legality depends on it. So we'll get the legal people together on Article 23. I don't think it is a problem.

Le Duc Tho: We will have the lawyers discuss this Article 23. But to my mind when the Agreement is signed by the four Foreign Ministers there is no problem in putting in the Article that it is signed by the Foreign Ministers, because the title of the signing contains already the rank of Foreign Minister, therefore if we put it in Article 23 that is no question.

Dr. Kissinger: Well, I think your suggestion is the best—Foreign Ministers for you and me and representatives for the other two parties.

Le Duc Tho: But if we put the Foreign Minister of the DRV, the Foreign Minister of the United States and then the representative of the Republic of Vietnam and the representative of the PRG, but in the signing if all of them will be Foreign Ministers then it does not coincide.

Dr. Kissinger: If it turns out that they are all Foreign Ministers we can change the paragraph.

Le Duc Tho: It is more correct to have all the four Foreign Ministers sign the Agreement because it involves also the prestige of the United States and the prestige of the DRV too, not speaking of the PRG. Because if for we two our Foreign Ministers will sign the Agreement and for the Saigon party it is signed by Pham Dang Lam . . .

Dr. Kissinger: I understand your point and I agree with it. I am simply pointing out—if the saboteur on your left will agree—if you write Foreign Minister and then the Foreign Minister doesn't show up then there is no Agreement. I just want to be prepared for every possibility.

Le Duc Tho: I think that we have agreed on everything in the Agreement. Now there is only the signing. We should have a clear-cut discussion on that question and I think you should make an effort to decide this with the Saigon people.

Dr. Kissinger: We will make an enormous effort. But we have much experience with delaying tactics from both Vietnamese sides.

Le Duc Tho: Our side you mean?

Dr. Kissinger: Your side too—not this week. But at any rate we have much experience with delaying tactics from Saigon. In America it will be understood if we use pressure because Saigon will not sign at all. This will be well understood. But if the issue becomes who signs and if the Agreement doesn't go into force because of the level of signing that will be more difficult.

Le Duc Tho: From the juridical point of view, the signing of such an Agreement like an Agreement on the war in Vietnam should be signed by the Foreign Ministers. I think we can't sign the Agreement

if our party is the rank of Foreign Minister and your rank will be the Foreign Minister and in speaking for the PRG will be the Foreign Minister too, and we sign the Agreement with the Saigon party with the rank of Ambassador.

Dr. Kissinger: I agree with you and we will make the greatest effort to make their Foreign Minister sign. We will not even mention the possibility that it may not be signed by the Foreign Minister.

Le Duc Tho: I believe in your affirmation but then it will look peculiar if we have in Article 23 the two first parties will be Foreign Ministers.

Dr. Kissinger: Well, then we could have representatives for all. That is just what our paragraph says.

Le Duc Tho: It is not clear then.

Dr. Kissinger: In our paragraph it says "shall enter into force upon signature of a representative of the Government of the United States of America." We don't mention the level.

Le Duc Tho: But if we write this Article 23 with the word "representatives" for all of them, the Saigon people will invoke this pretext and refuse to send the Foreign Minister. Moreover, then afterward, after the signature, there will be the title of the signatory. It will include the Foreign Ministers. This will be correct. We can redo the text when we know and I think there is no difficulty in this and you maintain your views, Mr. Special Adviser.

Dr. Kissinger: I don't want to make a big issue of it. I wanted to avoid the possibility of a last minute delay.

Le Duc Tho: I will not delay.

Dr. Kissinger: No, you will not delay. The point is if you write Foreign Minister and then at the last minute the Foreign Minister doesn't show up, then you have a pretext for not having the Agreement go into force.

Le Duc Tho: So then it will not be signed. Because we have put in the Agreement the Foreign Ministers and the Foreign Minister doesn't show up so it will not be signed by three parties only. So I think you will make an effort to have the Saigon Foreign Minister come and sign the Agreement and if so . . .

Dr. Kissinger: If so, then there is no problem.

Le Duc Tho: Then we have Article 23 right with the Foreign Ministers, and I believe in your promise. And I believe that you can make this effort and have the Saigon Administration . . .

Dr. Kissinger: You can believe that I will make the effort; I am not sure that I can succeed. But it isn't a problem. Now I was just trying to foresee what could go wrong. So we will have the lawyers look at Article 23. In October it didn't mention the title of who would sign.

Le Duc Tho: In October this question was not discussed. But now we get to the signing, we should put Foreign Ministers. Now if the Saigon Foreign Minister will come to sign the Agreement, then we put Article 23 as we have proposed. But we believe, and we firmly believe, that you will succeed in your effort in having the Saigon Foreign Minister to come to sign the Agreement. Otherwise the Agreement cannot be signed, because it will look very peculiar if the Foreign Minister of the United States, the Foreign Minister of the DRV, the Foreign Minister of the PRG and Ambassador Pham Dang Lam.

Dr. Kissinger: Yes, but I am not familiar with any international agreement which specified who has to sign it as an obligation of the Agreement.

Le Duc Tho: Because if now after the signature the title will be Foreign Minister and above it we put representatives . . .

Dr. Kissinger: No, you don't have to put above it representatives. We are really arguing about a very theoretical problem at this point. If the Foreign Minister signs it we can put anything we want into Article 23.

Le Duc Tho: But I think that it should be the Foreign Minister of the Saigon Administration.

Dr. Kissinger: I understand this. What I am saying is that it should not be written into the Agreement as a requirement for making the Agreement valid. This is a different thing.

Le Duc Tho: I think that if we put Foreign Minister it will become clear.

Dr. Kissinger: I understand it, but (a) it was not in the October draft, (b) you have had our Article 23 for a long time, and (c) I told you we would have our Foreign Minister. We don't know it will be a problem. But to make the Agreement dependent on it is absurd.

Le Duc Tho: I think that the rank, the title of the signature, will reflect the responsibility in implementing the Agreement. Moreover it involves here the question of equality not only for the Foreign Minister of the DRV, but also the Foreign Minister of the United States. Has your country ever signed an agreement by your Foreign Minister with a representative of another country but much lower rank than Foreign Minister?

Dr. Kissinger: I would have to ask Mr. Aldrich whether that is true. I frankly don't know whether that is true or not.

Le Duc Tho: In my view there is no signature of an Agreement by one party with a representative of much higher ranking than the other party.

Dr. Kissinger: Won't the Special Adviser and I initial the Agreement? He has much higher rank than I.

Le Duc Tho: It is settled that we will initial the Agreement.

Dr. Kissinger: I am not a member of the Politburo. You are much higher ranking than I am.

Le Duc Tho: But it is a different government organization. You are a representative of the President of the United States, of the Government of the United States, and I represent my government. And you are the head of the National Security Council.

Dr. Kissinger: When I initial, is the Special Adviser going to say “you are not yet sufficiently concrete?”

Le Duc Tho: But when you initial it is sufficiently concrete.

Dr. Kissinger: But you have seen the press reports that even though I am head of the National Security Council I have a revolution on my own staff. They think I am too soft to you.

Le Duc Tho: It is not true! It is a correct solution. If you propose a correct solution, we will propose a correct solution, then we can reach rapid settlement. I think that when the Agreement is concluded you will be praised by everybody. No one will blame you. If there is anything to blame, maybe there are some points that says that people will have to complain about you. Yes in the Saigon press, in the Saigon radio there are some articles criticizing you.

Dr. Kissinger: Well, let us agree that the Foreign Ministers should sign it. The U.S. will make a maximum effort to make the Saigon Foreign Minister to sign it. But let us find a formulation for Article 23 which does not give us a possibility for endless maneuvering.

Le Duc Tho: But if now the Saigon Foreign Minister does sign . . .

Dr. Kissinger: Then there is no problem. Then we write in Foreign Minister.

Le Duc Tho: I firmly believe that you will succeed. [Kissinger laughs] So it will be your last effort in relation to the Agreement, the final effort, because it is only the signing of it.

Now the Preamble of the copy signed by the four parties let me read. Because there will be a copy signed by the two parties but there will be a four-party signing. We will put in the Preamble [reading from Tab A:] “The parties participating in the Paris Conference on Vietnam, with a view on etc., agree on the following.”

Dr. Kissinger: I agree

Le Duc Tho: And then Article 23: “The text of the Agreement signed by the Ministers for Foreign Affairs of the parties participating in the Paris Conference on Vietnam, together with the text of the Agreement with the same content and in the same terms as the text of this Agreement and signed by the Foreign Ministers of the DRV and of the Government of the U.S. constitute a single international Agreement

called a Paris Agreement on Ending the War and Restoring Peace in Vietnam. This international Agreement comes into force as of the signing of the two texts of the Agreement as described above. All the parties concerned shall strictly implement this international Agreement and the annexed Protocols."

Dr. Kissinger: Well, I doubt that we can accept those sentences which link these two documents together, because this will have the effect of making the GVN sign a document that includes the PRG. And it's totally unnecessary, because it has all the provisions.

Le Duc Tho: So you mean by that that the copies signed then will not constitute the Paris Agreement on Ending the War and Restoring Peace in Vietnam?

Dr. Kissinger: I don't mind putting it in the document which we sign, but I think we should not say it in this document.

Le Duc Tho: So you propose then to delete this sentence? You would say then "together with the text of an Agreement with the same content and in the same terms as this text of the Agreement and signed on this same day by the Ministers of Foreign Affairs."

Dr. Kissinger: That is the sentence I want to delete. The two party document we don't mind saying what you had said, but in the four-party document it should be eliminated. I think if we keep raising substantive issues in every procedural clause we will never get finished. We already have a monumental task to get the procedure adopted without having this Article 23. We have a very simple Article 23.

Le Duc Tho: Mr. Special Adviser, I propose that the sentence you propose to delete regarding the constituting of this into a single international agreement I propose to have some time to consider it.

Dr. Kissinger: All right. Then we can also get our experts to look at it from a legal point of view. Have we finished this? So we have agreed on the two Preambles.

Le Duc Tho: On the two-party and on the four-party signing.

Dr. Kissinger: We are agreed. We have agreed that the Foreign Ministers should sign it, but we will have our legal people look at it again to see how it should be specified. And you will consider that one sentence and in the meantime I will discuss it with our experts.

Le Duc Tho: On the four-party?

Dr. Kissinger: Yes.

Le Duc Tho: But I would think that in the copies signed by the two parties, American and North Vietnamese, we should put Foreign Ministers.

Dr. Kissinger: That is fine. That is no problem at all.

Le Duc Tho: Four Foreign Ministers.

Dr. Kissinger: Oh, four Foreign Ministers. Let me discuss with our experts and we will consider this.

Le Duc Tho: But we would like to maintain our views on that. Now the way to sign the agreement, I simply think that then the four Foreign Ministers will sign in the same line.

Dr. Kissinger: No, that would be impossible.

Le Duc Tho: Or in two columns: on one column the U.S. and the Saigon government; on one column the DRV and PRG. Just like in the two sides.

Dr. Kissinger: There are certain practical impossibilities and that I am certain will never be done.

Le Duc Tho: What do you mean by that? The practical things?

Dr. Kissinger: The practical impossibility is that the Saigon people will never sign it that way, and you must not keep piling new problems on us when we already have an almost impossible problem.

Le Duc Tho: In my mind I envisage the signing of the Agreement as not so complicated. Now we have an Agreement to be signed, it can be signed either on the same line or in two columns. The main thing is whether one agrees to the text of the Agreement. Since now we have agreed upon the text of the Agreement and the Agreement is to be signed, it will be signed in the same way.

Dr. Kissinger: First of all, Saigon has not agreed to the text of the Agreement, as you well know.

Le Duc Tho: But finally they have to agree to the text of the Agreement, otherwise the war will not be ended.

Dr. Kissinger: Secondly, the issue is whether in the form of signing the Agreement you should attempt to force a resolution of a political issue. Now we are making a big concession by having all the signatures in the same document. Our proposal was the easiest one, with three documents, but we accepted your proposal. But I think the signatures should be on four pages, or at least on two pages, and then they can be bound together in the same document.

Le Duc Tho: I would prefer to have them sign on one page because otherwise there will be great blank space left.

Dr. Kissinger: Well, we can sign in big letters. [Laughter]

Le Duc Tho: There is enough place for four signatures!

Dr. Kissinger: We can sign in big letters or on little pages! The Special Adviser just wants to make sure that we never publish the records of these meetings, because no one will believe we discussed problems like this. We have four pages and they are put together with a seal, bound together with a seal. It will make a beautiful document.

Le Duc Tho: I think it is more beautiful to have the four signatures in one page because it is symmetric, you know. And you will save paper too.

Dr. Kissinger: We can put the signature in the center of the pages, and we will supply the paper.

Le Duc Tho: But we shouldn't waste the paper.

Dr. Kissinger: We can have an understanding that the paper will be supplied by the U.S. It is the only possible way, and even that will be very difficult.

Le Duc Tho: I am short of a better way to sign them. When coming here I simply think that now we have an Agreement, then the Agreement will be signed by the four parties, so I think that you are thinking in a very complicated way.

Dr. Kissinger: That is true, but the Vietnamese are a very complicated people.

Le Duc Tho: Yes, but there are Vietnamese and Vietnamese. Nguyen Van Thieu is different from other Vietnamese.

Dr. Kissinger: Fond as I am of you, Mr. Special Adviser, I don't call you uncomplicated. You didn't get where you are by being easy to deal with, as the French found out before we did.

Le Duc Tho: Now regarding the signing of the Agreement, it is really that I was thinking of it simply, but you were thinking of it very complicated.

Dr. Kissinger: But I told you on Tuesday how we would have to envisage it. It is not going to be possible to get their signature on this basis. It may be possible to get two pages—one for us and the GVN and one for you and the PRG. That would save paper. That is a compromise.

Le Duc Tho: Make another effort and it becomes one page. You will save paper and it will be more convenient.

Dr. Kissinger: I don't think that is possible.

Le Duc Tho: It is easy to have one page.

Dr. Kissinger: It is not easy or I would agree to it. Not if there are titles.

Le Duc Tho: I will think over it.

Dr. Kissinger: All right. Good. Now should we take a few minutes break and then go to the understandings.

[The group broke briefly at 11:14 a.m. and reconvened at 11:57 a.m.]

Le Duc Tho: Let me add a few words.

Dr. Kissinger: Then I will add a few words too.

Le Duc Tho: I let you speak first, Mr. Adviser.

Dr. Kissinger: That was the first mistake I made. [Tho laughs] On the Article 23 I have now had a chance to take legal advice. We can

agree to the language that makes these agreements a single whole in the two-party document but not in the four-party document. We cannot agree to the specification of Ministers for Foreign Affairs for this reason in either document: We have never signed an Agreement in which it was not left to each government to designate its representative, and secondly, specifying the Ministers will raise the whole question of recognition that we are trying to avoid. But we could agree to a two-page signature; that is, one page for us and the GVN and another page for you and the PRG. And we will agree that the Foreign Ministers will sign it.

Le Duc Tho: Now I think that regarding the document signed by the two parties, we have agreed that the Foreign Ministers will sign—the Foreign Minister of the DRV and Foreign Minister of the U.S. Moreover, under the signature, there is the title.

Dr. Kissinger: No question.

Le Duc Tho: Therefore, we should put the Foreign Minister because we think the title has been put and we put the Foreign Ministers. You have just said that in this you want to change.

Dr. Kissinger: No, it is no problem. But we do not want to put “signed by the Minister of Foreign Affairs of the Republic of Vietnam and the PRG.” We want to say “representatives” in that case. That is right, on the signature you can list the title; there is no objection to that. And we don’t object to listing the Foreign Ministers in the text as far as the U.S. and DRV is concerned, in the two-party document.

Le Duc Tho: But in Article 23 of the four-party document, it will be the titles of the Foreign Minister of the U.S. and the Foreign Minister of the DRV.

Dr. Kissinger: That is all right. No one challenges that we have a Minister for Foreign Affairs. Except me. [Laughter] Can we say Secretary of State in our case? That is his official title. We don’t have a Minister of Foreign Affairs. We just want to give him his right title. It is the same function.

Le Duc Tho: It is no problem. Since the signatories will be Foreign Ministers, I think that we should put in Article 23 “Foreign Ministers”, because if we put “representatives” then the Saigon people may invoke the pretext of this Article to send a representative, not their Foreign Minister. Because I think in my mind since the text of the Agreement has mentioned about the four governments then the rank of the Foreign Minister has no importance in this. If doing as you propose, then finally our Foreign Minister will have to sign with the same rank as Pham Dang Lam, because if we don’t put in the agreement the Saigon Administration may send any representative they like.

Dr. Kissinger: I have looked into it in Washington, and almost every agreement we sign is signed by our Secretary of State and the

Ambassador of the country. So it is not unusual. Secondly, we anticipate that the Foreign Minister of Saigon will sign.

Le Duc Tho: It is something certain that we can't sign with our Foreign Minister and Mr. Pham Dang Lam, because we have national prestige. I think it is the same for your country too. So we can't accept that this leave a loophole here.

Dr. Kissinger: Well, but you can tell us this now and we take note of it, that you will not sign unless the Foreign Minister of Saigon signs. I will take note of that. I understand that no one can force you to sign, and we understand that, and that is your way of controlling whether the Foreign Minister signs. And I am even willing—you can give me a unilateral statement to that effect so that there is no possible excuse or misunderstanding.

Le Duc Tho: This is one thing. If the Saigon people base themselves on the Article, juridically speaking, and there is no certainty that their Foreign Minister will come.

Dr. Kissinger: Well, in October, there was no provision for anybody signing. It was just to be our two Foreign Ministers, and at that time Article 23 did not specify the rank.

Le Duc Tho: But at that time, the Agreement was not achieved at all and we did not discuss then Article 23 yet; but we agree only that the Foreign Ministers will sign the Agreement.

Dr. Kissinger: I thought you made a public declaration saying there had been an Agreement.

Le Duc Tho: But regarding the signing you and I agreed then that the Foreign Ministers will sign the Agreement. Only the question is that the Article, the final article, was not yet drafted.

Dr. Kissinger: My understanding was that the final article had been drafted.

Le Duc Tho: Moreover the situation then was not so complicated as it is now. Then in October you and I, we agreed, and we carried out the Agreement, but now there is the Saigon people that will try to undermine the Agreement.

Dr. Kissinger: Well, I remember that the Special Adviser told me at that time already that the Saigon people would try to undermine the Agreement. I don't remember that his estimate of the Saigon people was particularly elevated at that time.

Le Duc Tho: I understand at that moment that I and you agreed on the thing and the Agreement would be carried out and implemented, and probably you thought at that moment too.

Dr. Kissinger: Certainly.

Le Duc Tho: And you thought that the Saigon people would implement the Agreement too, and probably at that time you mistakenly

thought that the Saigon people wouldn't undermine. Probably you miscalculated.

Dr. Kissinger: You are right.

Le Duc Tho: Therefore if you draft the Article as you do now, the Saigon people will use it as pretext to undermine Agreement.

Dr. Kissinger: First of all, in the two-party document they are not obligated in any way. But there is no possibility that they will sign in the four-party document something that lists somebody as Minister of Foreign Affairs of the PRG in the text of the Agreement. And in every version of Article 23 you were given a standard version that spoke only of "representatives."

Le Duc Tho: But in the document signed by the two parties we should mention the four Foreign Ministers, because there is nothing to do with the Saigon people in that document.

Dr. Kissinger: I will consider that. Let me think that over. But then in the document of the four parties we say "representatives" for all four parties.

Le Duc Tho: So in the two-party document signed by the two parties then we will mention the four Foreign Ministers.

Dr. Kissinger: I will consider it.

Le Duc Tho: In the document signed by the four parties, how will you draft it?

Dr. Kissinger: We will just use the word "representatives", or you can say the Minister of the Foreign Affairs of the U.S. and DRV and representatives for the other two. The best would be "signed by representatives."

Le Duc Tho: But we would maintain that we should put the four Foreign Ministers in the document signed by the two parties.

Dr. Kissinger: I understand and I will think that over.

Le Duc Tho: And then I will think over your idea regarding the document signed by the four parties.

Dr. Kissinger: My people are saying that I am beginning to think like a Vietnamese. But one of two is right—either you are beginning to think like an American or I am beginning to think like a Vietnamese. [Laughter]

Le Duc Tho: So we combine. But in any case you should say that whatever we write in Article 23 in the document signed by the four parties, if the Saigon people will not send its Foreign Minister we will not sign the Agreement.

Dr. Kissinger: I understand that.

Le Duc Tho: I think that now if you put in the Article 23 of the document signed by the four parties "representatives of the four parties

participating in the Paris Conference", if you put that I would suggest that then the signing should be in the way I propose.

Dr. Kissinger: That is impossible.

Le Duc Tho: But if you put the four Foreign Ministers in the document signed by the four parties, I would propose the following way of signing: All the sheets of paper should be the same size.

Dr. Kissinger: You have been talking to Mr. Loi. [Laughter]

Le Duc Tho: And the two last pages. Then all the pages should be numbered, and on one page the two parties sign and on the other page the other party signs.

Dr. Kissinger: On, no the reverse side? Numbered consecutively so you can't take the pages out.

Le Duc Tho: Yes. Yes.

Dr. Kissinger: But can it be signed in ink?

Le Duc Tho: We can't sign it with pure water.

Dr. Kissinger: I thought you wanted blood.

Le Duc Tho: We have signed in blood. Now we should sign in ink.

Dr. Kissinger: The Saigon people will sign in invisible ink.

Le Duc Tho: If so, then you do not continue because they will sign in blood.

Dr. Kissinger: But let me understand. The pages get numbered and there will be two pages, one page for the DRV and PRG and one page for the U.S. and the GVN.

Le Duc Tho: In the same document?

Dr. Kissinger: Oh yes.

Le Duc Tho: And all pages should be numbered from page 1 to the end.

Dr. Kissinger: And then we write on it it has how many pages to make sure no one takes a page out. Is that right?

Le Duc Tho: [Laughter] Right. Because if the pages are not numbered then they can take out the page. So if you put the Foreign Ministers . . .

Dr. Kissinger: We can't put the Foreign Ministers. It is just absolutely impossible in the four-party document. I will consider it in the two-party document but it is impossible in the four-party document.

Le Duc Tho: It is something certain that the document signed by the two parties should put that, because otherwise I will not agree, if above we put two governments and two Foreign Ministers and then we put representative. So I have expressed my view on that.

Dr. Kissinger: Now let me understand it. Provisionally you say you would be willing to say "representatives" in the four-party docu-

ment and sign on two separate pages of a numbered document if I agree on the two-party document to list the four Foreign Ministers.

Le Duc Tho: Regarding the document signed by the two parties, there should be mention of the four Foreign Ministers. Regarding the document signed by the four parties, if you agree to put the four Ministers of the parties, then I agree to sign on two pages.

Dr. Kissinger: Well, that is impossible.

Le Duc Tho: And the sentence constituting an international agreement in the Paris, in the document signed by the four parties.

Dr. Kissinger: We can't accept that either.

Le Duc Tho: So now I sum up. In the document signed by the two parties, there should be mention of the four Foreign Ministers. If you agree to that, then I agree that in the document signed by the four parties you will say that the Agreement will be signed by the representatives of the parties. It is an effort of mine to find out a solution.

Dr. Kissinger: And take out the sentence which makes them a whole in the four-party document.

Le Duc Tho: I will think over it. I will think how to rephrase, to word the sentence.

Dr. Kissinger: If you eliminate it you can spare your mental energies. It is a sign of good will on my part. [Laughter]

Le Duc Tho: You should think out how to correct this sentence. So now we have a clearcut decision as follows: In the document signed by the two parties there will be mention of the four Foreign Ministers. In the document signed by the four parties we will put, "This text of the agreement shall be signed by the representatives of the parties participating in the Paris Conference."

Dr. Kissinger: And eliminate that sentence.

Le Duc Tho: As to the sentence, we will think over how to redraft it.

Dr. Kissinger: I will confirm it.

Le Duc Tho: We are consulting our experts.

Dr. Kissinger: We will confirm it after lunch—both of these. We both consult our experts and confirm it after lunch. I think it is a probable solution.

Le Duc Tho: But on this condition we will accept the way of signing as I have just proposed.

Dr. Kissinger: I understand.

Le Duc Tho: But I would like to reiterate in a very clearcut way that although we put Article 23 as I have just proposed, if the Saigon people do not send their Foreign Minister then we do not sign the Agreement.

Dr. Kissinger: What do you have against Pham Dang Lam? We promise you that Mr. Lam will sign the Agreement! I understand it perfectly. I understand it very clearly.

Le Duc Tho: So we are almost settled on this question.

Dr. Kissinger: We have almost settled this question.

Le Duc Tho: Now regarding the signing ceremony, I think that we should sign at the same moment.

Dr. Kissinger: All 6 of us? I mean all documents?

Le Duc Tho: The two parties sign first and then the four parties sign in the same moment, but of course the two parties signing first.

Dr. Kissinger: But then what is the sense in having a two-party document at all?

Le Duc Tho: So you mean that there will be no signing by the DRV and the U.S.?

Dr. Kissinger: No, it makes some sense to have the DRV and U.S. sign at a separate moment, but I can see that the U.S. and the DRV sign in the morning and the four parties in the afternoon. And that way the Minister can get on television twice in one day.

Le Duc Tho: All right then. Now I think that there should be some ceremony regarding the signing. For the two parties we should let in the television, the cameramen, and the same thing for the four parties, because we should satisfy the journalists and we shall do the two ceremonies at Kleber Avenue.

Dr. Kissinger: Let me think about this. We have experts on all of this and I should consult them. I haven't really given this much thought. But my worry is, when the Minister arrives . . .

Le Duc Tho: You are always consulting your experts.

Dr. Kissinger: But the Minister is so used to making certain kinds of statements at Avenue Kleber that when he walks in for two in one day it is no telling what he will say. He will arrive and he will say "The Americans are not serious," and then when we sign and he leaves he will say, "This proves American bad faith." [Laughter] Provisionally I accept it.

Le Duc Tho: So there will be two signing ceremonies, one in the morning for the two-party signing and one in the afternoon for the four-party.

Dr. Kissinger: Well, I don't know if you want to have television. We shall see. We have to consult the experts for what the best time is.

Xuan Thuy: We will have flash.

Dr. Kissinger: But at any rate two ceremonies, provisionally one in the morning and one in the afternoon, or maybe one in the afternoon and one in the evening. I don't suppose it makes any difference to you.

Le Duc Tho: If two-party in the morning, four-party in the afternoon, there is no difference.

Dr. Kissinger: We will make a specific proposal. At any rate two ceremonies.

Le Duc Tho: I agree with you.

Dr. Kissinger: I can hardly wait for Madame Binh and the GVN Foreign Minister to meet. It should be at a good television hour.

Le Duc Tho: So provisionally we agree on this question then.

Dr. Kissinger: Provisionally, yes, if we eliminate that one sentence, put in “representatives”, have two pages, number the pages and put Foreign Ministers in the two-party document. All right.

Le Duc Tho: And on the ceremony, one in the morning, one in the afternoon.

Dr. Kissinger: Or one in the afternoon, one in the evening. I would like to discuss this with the public relations people, but provisionally one in the morning, one in the afternoon. At any rate two ceremonies.

Le Duc Tho: I agree.

Dr. Kissinger: All right. Now what should we discuss, Mr. Special Adviser?

Le Duc Tho: The understandings.

Dr. Kissinger: I thought we had them all settled.

Le Duc Tho: But it is because you have proposed further discussion, but I didn’t think there are many things left.

Dr. Kissinger: Mr. Rodman is so in love with these understandings that he doesn’t want to part with them. Let me—in order to move things forward—begin with U.S. Civilian Personnel Associated with Military Functions in South Vietnam. Let me read to you our proposed understanding. [Reads Tab B] “The U.S. affirms . . .” we have taken in effect your text. “The United States affirms that it will withdraw all its civilian personnel in South Vietnam working in the armed forces of the Republic of Vietnam and not reintroduce them. The numbers of the above-mentioned civilian personnel will be reduced gradually, and their withdrawal will be completed within 12 months of the signing of the Agreement on Ending the War and Restoring Peace in Vietnam. Pending their withdrawal from South Vietnam, none of the above-mentioned civilian personnel will participate in military operations or operational military training.” This is the absolutely utmost effort and we cannot go any further. This goes beyond all reasonable limits and you recognize that this represents a major improvement in the Agreement for you.

Le Duc Tho: Now about the wording, it is similar to ours. We agree.

Dr. Kissinger: It is identical.

Le Duc Tho: We propose the following and it is an effort on our side too. So I propose that the great majority of them will be withdrawn in 10 months and the remaining in 12 months.

Dr. Kissinger: I agree

Le Duc Tho: Finished then.

Dr. Kissinger: I agree.

Le Duc Tho: So we have a rapid settlement.

Dr. Kissinger: I told you we would have a rapid settlement. On "the Return of Vietnamese Civilian Personnel Captured and Detained in South Vietnam," let me read you our statement, which is very similar to yours: "The U.S. side reaffirms Dr. Kissinger's statement of October 17, 1972, that the U.S. will use its maximum influence to secure the return of Vietnamese civilian personnel captured and detained in South Vietnam. In the framework of national reconciliation and concord between the two South Vietnamese parties, the U.S. will exert this influence to promote the return of the greater part of such detainees within 60 days of the signing of the Agreement on Ending the War and Restoring Peace in Vietnam and the return of all such detainees within 90 days as envisaged by the Agreement." [Hands over Tab C]

If you would like me to put in my title too, it is all right. My father will like it. My father likes the Special Adviser on television. He scolds me for not settling faster. [Laughter]

Le Duc Tho: I agree with you.

Dr. Kissinger: All right. Now we have the question of Laos and Cambodia. First, let me say it is a very difficult matter for us because our President has said repeatedly that there must be a ceasefire in all of Indochina. And I have always tried to give you a correct assessment of our situation and recently you have even begun believing me. Not always. [Laughter]

Le Duc Tho: Always it needs some process to believe you.

Dr. Kissinger: That is true! No, it takes time to establish confidence.

Now I understand your difficulties in Cambodia. But the reality is that if the war in Cambodia continues after it is ended in Vietnam and Laos, it will affect in many ways—it will affect very unfavorably—our relationship, and it will affect the many ways in which we can make our influence felt. And it will certainly affect our military operations in Cambodia. I have explained this to you very often and I think we understand this problem.

Now in order to show our good will, however, and to take account of your difficulty, we agree to eliminate from the understanding those portions of the messages that we sent you that refer to our conversation. And we therefore accept your proposal to incorporate only your message. But we want to show in understandings also one paragraph of

our message to you that we have always given you, which is the last paragraph of our message. So what we are doing now is to incorporate your entire message of October 21—which is what you proposed—the reply of the President, and one paragraph from the President’s message.

And we incorporate also this period of no more than 15 days. Why don’t we give you the document in English. (To Engel: Why don’t you read him that end part of the document, which is uncontested. Engel reads) This is just to get the dates straight. Yes, because the article was renumbered. [Hands over Tab D]

Le Duc Tho: What is regarding Laos, I agree with you. But regarding Laos I would like to state that the DRV side has agreed with its ally. I agree to the time for the ceasefire and the period for the release of prisoners.

Dr. Kissinger: All right.

Le Duc Tho: We maintain the message that we have sent to you and the sentence in the reply of the President that he was satisfied.

Dr. Kissinger: The Special Adviser is very generous in maintaining our sentences. [Laughter] Is that a concession?

Le Duc Tho: It is a mutual understanding, but the sentence in the last paragraph of your message of October 20 says: “The United States reiterates its view as expounded by Dr. Kissinger on October 11, 1972, that if, pending a settlement in Cambodia, offensive activities are taken there which would jeopardize the existing situation, such operations would be contrary to the spirit of Article 15(b) [Article 20(b)] and to the assumption on which this agreement is based.”

Dr. Kissinger: But this is our view. We have said it repeatedly.

Le Duc Tho: But the title, your first paragraph, says: “The following is understood between the U.S. and DRV on the question of ending the war in Laos and Cambodia”.

Dr. Kissinger: If you want, you can change that. You can take that out, on ending the war.

Le Duc Tho: I repeat to delete “on the question of ending the war in Laos and Cambodia”.

Dr. Kissinger: If you prefer that. All right.

Le Duc Tho: I think that last paragraph, it is your view. It is your statement. You have a right to do that but we should not put it in the understanding.

Dr. Kissinger: But then we will hand it to you as a unilateral statement.

Le Duc Tho: All right.

Dr. Kissinger: Right. Then if we cannot have it there I would propose another understanding between us. It is really a matter of great importance to us.

Le Duc Tho: You can make unilateral statement but you should not put it in the understandings.

Dr. Kissinger: No, I understand. I will make it a unilateral statement and we will rewrite it but I have another understanding [reads text at Tab E]: "It is understood between the United States and the Democratic Republic of Vietnam that, upon the signing of the Agreement on Ending the War and Restoring Peace in Vietnam, they will use their maximum influence to promote the achievement of a ceasefire between the opposing parties in Cambodia."

Le Duc Tho: As I explained to you many times, this way of doing will make it more difficult. As I told you, once peace is restored in Vietnam and Laos we will actively contribute to restoring peace in Cambodia and we will act in this direction actively as far as we are concerned. So I think that we should not have another understanding on that.

Dr. Kissinger: But I find it difficult to see why it would make it difficult to say you would use your influence.

Le Duc Tho: When I say that I will actively contribute to restoring peace, I will carry out my obligation on that score. I will certainly do that. I can affirm to you I will contribute an active part to that purpose. And if you make an effort I think that is possible and in a rapid way.

Dr. Kissinger: Well, let us put it aside for the time being. That leaves what? Any other problem?

Le Duc Tho: Only the aircraft carriers.

Dr. Kissinger: I am always hoping that at some point age will catch up with the Special Adviser and his memory will start failing him. Well, we will make an understanding that if you will not station your aircraft carriers near America, we will not station our aircraft carriers near you.

Le Duc Tho: I don't know when we will have an aircraft carrier!

Dr. Kissinger: I have a friend in the diplomatic service of an allied country who said the opposition party said if we want to ruin them we should send them two aircraft carriers and then they will have to spend their whole budget maintaining those aircraft carriers. So, as a sign of good will when our normalization has proceeded, maybe we will send you an aircraft carrier. [Laughter] That would solve the so-called problem of the so-called North Vietnamese forces in the future because you would need them all for the carrier.

Now on the aircraft carriers, let me review the history briefly:

On October 9, I told you that when the withdrawal was completed we would move our aircraft carriers some distance.

On October 11, I told you that in any event there had to be an exception for transit, that this could not be affected by this restriction.

In your draft understanding of October 17 you said within 60 days of signing. In our message of October 20, we made no comment except to reiterate the exception for transit.

In our draft understanding of December 12 we reiterated the transit exception and specifically mentioned “North Vietnam”.

Now let me explain our problem. Our problem is, first, that we are engaged at this moment in a very complicated worldwide negotiation on the Law of the Seas. In this our position has always been that we will not accept restrictions. Secondly, any acceptance of a deployment distance affects not only Vietnam but other countries. And if you draw an arc from various points in Vietnam you will see the implications of certain distances as it affects other areas—not as it affects Vietnam. If we want to use our carriers in Vietnam these restrictions are without significance. They are primarily symbolic. We could move them closer faster, and the range of our planes is enough anyway. Now we can justify certain restrictions as an act of good will towards a country with which we have been at war. Although even that is extremely difficult for us, not as a practical matter so much as a symbolic legal matter.

So we have had to express this understanding in a somewhat complex way. We will do it in two parts. I will give you this understanding with respect to North Vietnam and then I will add an oral understanding with respect to South Vietnam. So let me read you the written understanding first: “In view of the prolonged hostilities which are now being brought to a close in Vietnam and in order to contribute to the relaxation of tensions between the U.S. and the DRV, the U.S. side states that, after the withdrawal of its armed forces from South Vietnam, it intends to station its aircraft at least 300 nautical miles from the coast of North Vietnam. This statement does not, of course, affect transit.” [Hands over Tab F]

Now let me add an oral understanding to this: After the withdrawal from Vietnam we will not station aircraft carriers closer than 100 miles from the shores of South Vietnam. And secondly, again as an oral understanding, we will tell you that after the signing of this Agreement we will move our aircraft carriers out of the Gulf of Tonkin even though we are not required to do it.

Does the Special Adviser read English now?

Mr. Phuong: Aircraft carriers will be removed from the Tonkin Gulf?

Dr. Kissinger: According to this understanding they don’t have to be moved for 60 days. But I tell you now we will move them out after the Agreement is signed.

Le Duc Tho: I feel that the war in Vietnam is coming to an end, therefore after the war in Vietnam the aircraft carriers should be pulled out to 300 nautical miles from the coast. It is something very logical.

Dr. Kissinger: Well, when you get to know us better you will understand that for us to agree to anything in writing with respect to naval deployment is something totally unprecedented. We have never done it. We fought World War I on a matter of freedom of the seas, and this is a very emotional matter for us. And it is as a practical matter I can tell you we will sharply reduce the number of our carriers, and after peace is made this will not be a practical problem. As a practical matter, once fighting has stopped in Indochina we will not have aircraft carriers within 300 miles.

But you have a difficult problem with respect to Cambodia reducing things to writing. We have a very difficult problem with respect to our ships. It is much easier to do it as an act of good will than as a written document. I have given you an oral understanding, my oral assurances, plus the maximum we can do as a written understanding.

Le Duc Tho: Regarding North Vietnam I think that after the signing of the agreement then the aircraft carriers should leave at 300 nautical miles from the shore.

Dr. Kissinger: Let me check this tonight. I have to check this with our naval authorities. I will give it very sympathetic consideration. I am really not an expert on naval matters. We will certainly move them a clear distance from your shores.

Le Duc Tho: Yes. So regarding North Vietnam I think that you should write in the understanding that after the signing of the Agreement then the aircraft carriers should leave 300 nautical miles from the shores of South Vietnam. But regarding South Vietnam I agree with your oral understanding.

Dr. Kissinger: All right. I will confirm it tomorrow. I must check it.

Le Duc Tho: You should have done that for the whole of Vietnam.

Dr. Kissinger: Now that finishes the understandings. What happens to these understandings? We shouldn't publish them.

Le Duc Tho: We shouldn't publish them. And they should be respected, should be carried out, should be implemented by you. We see that the understandings are not signed agreements but we respect the understandings, and we both have obligation to correctly carry out the understanding.

Dr. Kissinger: That is right. That is my view also. Now with respect to publicity. We have not yet decided whether to submit this Agreement to our Congress but we will of course both publish it.

Le Duc Tho: The Agreement we will publish but the understandings are not published.

Dr. Kissinger: That is right. But our procedure is that when we have some understandings we give them in executive session, that is in secret testimony, to a few Senators from the Foreign Relations

Committee, usually the whole Foreign Relations Committee. They almost always keep it secret. For example, in the SALT agreement with the Soviet Union we had a number of mutual understandings and we gave those to the Senate Committee and it never was revealed. But there is this slight possibility.

Le Duc Tho: I am not well aware of your system of laws.

Dr. Kissinger: Well, when you visit us you will be.

Le Duc Tho: But regarding the understanding we have the obligation to carry out the understanding correctly and not to leak them.

Dr. Kissinger: Besides, my assistant here points out that the Senate Foreign Relations Committee has a majority of people who are pro-Hanoi.

Now, on the unconditional return of U.S. prisoners, we still left it open whether we should have an understanding. How should we handle it?

Le Duc Tho: I have expressed my views regarding the American prisoners. It is covered by Article 8(a). We will carry it out.

Dr. Kissinger: And so will the PRG?

Le Duc Tho: The same. I can assure you.

Dr. Kissinger: So it is my understanding that they will not be linked regardless of what happens to 8(c).

Le Duc Tho: Not linked.

Dr. Kissinger: Not linked. All right, we will let it go then.

Le Duc Tho: Now we will have a break. I am hungry now.

[The group broke for lunch at 1:35 p.m. and resumed at 2:58 p.m. Thach, Sullivan and Negroponte joined the main meeting.]

Dr. Kissinger: [Noting that Xuan Thuy had not returned.] Have we lost the Minister? He is quiet. [Xuan Thuy enters] Do you have interview programs on Hanoi Radio? [Xuan Thuy laughs] We would like to appear on it, Sullivan and I.

This morning we finished the Agreement and the understandings. On the two-party Agreement we will have our legal people get together but we can substantially accept your Article 23. On the four-party Agreement we then have the word “representatives”, we have a new sentence which we have to agree to about the relation between the two documents, and we have signatures on two pages at the end, one page for the U.S. and GVN and the other has the DRV and PRG, and all pages of the document are numbered.

Le Duc Tho: From the beginning, from page 1.

Dr. Kissinger: In Arabic numerals. [Laughter] The Preamble. There is one point in the Preamble of the Two-Party document. It should be “The Government of the United States” and also “the Democratic

Republic of Vietnam acting in concert with." I think that is a most precise phrase for what we are doing here.

Le Duc Tho: And the reason why we propose "with the concurrence of" is we both, particularly we two parties, we have been discussing the agreement but "with the concurrence of the two parties."

Dr. Kissinger: But "in concert" suggests the same thing and it avoids a unilateral statement of dissociation of other parties from certain provisions.

Le Duc Tho: But we have the final article that all parties are in agreement.

Dr. Kissinger: That is fine. That is unchanged. And because of the four-party signature there is no problem anymore about implementing the Agreement.

Le Duc Tho: That is the reason why we would prefer the word "with the concurrence of", because at the final article there is the obligation of the parties to implement the Agreement but not the discussion of the Agreement. The discussions have been made by the DRV and U.S. with the concurrence of the GVN and PRG.

Dr. Kissinger: Well, "in concert" conveys the thought that the discussions have been with the concurrence, too. But otherwise it will invite a statement about dissociating from the mention of the PRG and the Foreign Minister of the PRG. And since the GVN is signing another document which defines their obligation, I think it makes no practical difference to you.

Le Duc Tho: I have not understood the reason why you propose to replace "with the concurrence with" by "acting in concert with".

Dr. Kissinger: You see if you have only a two-party Agreement then you want to say "with the concurrence", because you would want to make sure that all the obligations are clearly assumed. But now we also have a four-party document in which all the obligations are assumed and which spells out the obligations and, therefore, the two-party document will invite less a formal dissociation from those provisions that involve some sort of recognition if it is made in the phrase "acting in concert with". Why don't we both think about this overnight?

Le Duc Tho: It is not yet clear to me.

Dr. Kissinger: It is a nuance of a difference.

Le Duc Tho: Please explain again your reason.

Dr. Kissinger: My reason is that I am trying to avoid a separate statement of dissociation from the Preamble and from the Article 23, and I am trying to find a formula which makes that less likely.

Le Duc Tho: So you propose "acting in concert with"?

Dr. Kissinger: I would like to consider it. I would like to leave it open, frankly, until tomorrow to see which is more efficient. It has no practical significance.

Le Duc Tho: Because “acting in concert” may be understood as it is only “acting in concert” but not agreed to, because “agree with” is different from using “in concert with.”

Dr. Kissinger: No, it says “acting in concert have agreed”, and then in any event the four parties would sign another set of obligations which is identical. I suggest that the Special Adviser in concert with the two Ministers, and I in concert with Ambassador Sullivan and my most pedantic staff member, consider this overnight and make a final decision tomorrow morning. I do not believe that the fate of the Agreement depends on it.

Le Duc Tho: We always feel that “with the concurrence” is more proper because the DRV and the U.S. have been discussing the Agreement and how the GVN and PRG give concurrence.

Dr. Kissinger: No, but they give their concurrence by signing the four-party document.

Le Duc Tho: But also the words used in the Preamble should reflect this concurrence, because in Vietnamese when we use the word “acting” it mean action.

Dr. Kissinger: We don’t have to say “acting”. We can just say “in concert with”. We can leave out “acting”.

Le Duc Tho: But if you just use “in concert with”, for what purpose it is not clear if you use only “in concert with”.

Dr. Kissinger: “In concert with” does not require a formal action. There is no possibility of not concurring under those conditions.

Le Duc Tho: But in Vietnamese “concert” doesn’t mean anything.

Dr. Kissinger: Well, you probably use the musical word “concert”. [Laughter] Let us leave it open until tomorrow.

Le Duc Tho: Well, shall we put “acting in concert with and with the concurrence of”, then we will combine the two? [Laughter]

Dr. Kissinger: No, that is I am afraid not possible.

Le Duc Tho: So we should leave it “with the concurrence”.

Dr. Kissinger: Let me consider it and raise it again perhaps tomorrow morning. Except for this we consider the Agreement completed, we consider the understandings completed, and neither side should ask for any more changes.

Le Duc Tho: You have just told me that the work is completed and now you ask for a change.

Dr. Kissinger: Except for that one clause. So we have the following tasks left: The language experts should tomorrow compare the texts of the agreement and the understandings, just to make absolutely sure that we have the same texts. Mr. Loi should be excluded. [Laughter]

Le Duc Tho: But they should not add nothing new.

Dr. Kissinger: I agree.

Le Duc Tho: But you have just recently told me that the agreement is completed, but now . . .

Dr. Kissinger: No, you still owe us something for Article 23. I told you I would let you know right after lunch on these paragraphs. So we have this, and then we have the protocols, and I think we should have a preliminary discussion on some of the issues of principle today, and perhaps continue tomorrow. And then we should clean up any work that remains on Saturday. And then we shall return Saturday evening. And as I told you, we will then send General Haig and we will stop the bombing as I told you privately. Sullivan, Aldrich and Engel will stay here to complete work on any of the protocols. And maybe Negroponte; we will have to see. And after Sunday Mr. Lord will join me again. He's got a very important football game to attend. So until then he will be a little bit nervous.

Le Duc Tho: I agree with you, and we will discuss the protocols today and tomorrow, and on Saturday what is left, we will discuss on Saturday. And tomorrow afternoon there will be comparison of texts by the experts. And before your departure I will sum up everything.

Mr. Thach: Don't go too far now.

Le Duc Tho: I will sum up everything, saying that the Agreement is complete, the schedule is so and so, you will be leaving on what day, you will announce on what day.

Dr. Kissinger: Exactly.

Le Duc Tho: So it is for confirmation, so that you will not change it after you return to Washington.

Dr. Kissinger: I must say I have not wasted these four years; I have the full confidence of the Special Adviser! Would you like to accompany me to America to keep an eye on me? Send the Minister. He can live in my apartment. [Laughter]

Le Duc Tho: Now on Saturday you will leave, but if there is something left in the protocols Ambassador Sullivan and Mr. Thach will continue the discussion. Moreover I will remain here.

Dr. Kissinger: I don't know whether that is a sign of good will or a threat.

Ambassador Sullivan: Are you here to "don doc"? [Laughter]

Le Duc Tho: To promote and to construct!

Dr. Kissinger: Now then, should we begin the discussion of the protocols this afternoon? And how long does the Special Adviser want to work?

Le Duc Tho: Shall we work until 4 o'clock?

Dr. Kissinger: Well, we will certainly settle all the protocols by that time! [It was 3:30 p.m.] I agree. Let us work until 4 o'clock.

Le Duc Tho: We just raise the problems.

Dr. Kissinger: We will raise the problems, although I must say that we are very good at raising problems. We have demonstrated our ability. Should we invite the two saboteurs to present the issues? Or how would you like to proceed?

Le Duc Tho: You have not read the protocols? [Laughter]

Dr. Kissinger: I read them yesterday! [Laughter] I didn't think he would agree to 200 members of the ICCS so quickly.

Ambassador Sullivan: Well, as you know, we are still working on the actual text of the protocols. We think we can solve most of the remaining problems except for five that we have outlined. But our further work may disclose that we have one or more additional problems. In any event we have identified five.

The first question is: How many protocols will there be? We suggest that there should be a protocol on ceasefire and the Joint Military Commissions, one on the International Control Commission, one on the captured and detained persons, and one on clearance of mines. You agree with all four of these but you wish to have a fifth protocol which will concern the U.S. contribution to the reconstruction of Indochina including North Vietnam. We have explained the reasons why we cannot make that a protocol but we have left the decision on it to the Special Advisers. [At this point Negroponte enters with Mr. Aldrich and Mr. Loi. After discussion, they return to the experts' meeting.]

Dr. Kissinger: The first time in two years that Negroponte has carried out an order the first time I gave it.

Ambassador Sullivan: That is the first question that we have to consider. The second question concerns the inclusion of a provision for the Two-Party Joint Military Commission in the protocol on ceasefire. We take the position that this is a matter which must be negotiated between the two South Vietnamese parties. You take the position that we should negotiate on behalf of the two parties even if we don't have their concurrence.

The third issue is the size of the International Control Commission and of the Four-Party Joint Military Commission. Associated with this is the location of the teams. However, Mr. Thach and I have agreed that for buffalo-trading purposes you only need to consider the size and he and I will agree on the location of the teams.

The fourth question that we have raised is the question of the method of fixing the ceasefire. We believe that the military forces should be located in their strength and their deployment and that the natural consequences of these two factors should define the areas of control of these two parties. You take the position that the area of control should be defined and that we should not have a provision for locating the military units by strength and deployment.

Finally, we have an issue which concerns the competence of the International Control Commission to visit places of detention of captured and detained persons. We take the position that the Agreement calls for supervision and control of the return of these persons but not for supervision and control of their detainment. You wish to add a responsibility to the International Control Commission of supervising and controlling the conditions of the detainment.

Now these are the five issues we have identified until now, but we haven't yet been through the protocols on mine clearance and captured persons.

Dr. Kissinger: I wonder whether the Special Adviser has any views on mine clearance.

Ambassador Sullivan: He is for it.

Le Duc Tho: I have.

Dr. Kissinger: Are you for it?

Le Duc Tho: We shall have our experts discuss it.

Dr. Kissinger: Yes, we have brought an expert also.

Le Duc Tho: We have our expert coming here.

Dr. Kissinger: Our expert will talk to Ambassador Sullivan who will then talk to you.

Ambassador Sullivan: Mr. Thach and I now become spectators and watch the buffalo traders.

Mr. Thach: So we have agreed on the five outstanding issues.

Ambassador Sullivan: Was that a fair statement of the issues as far as the DRV is concerned?

Mr. Thach: Yes, but it is fair, but there is only one point. We have agreed that the outstanding question is the total number of personnel of the ICC. But we have not discussed the Four-Party Joint Commission, regarding the strength of the Joint Commission. But we have not yet agreed whether we should raise this question to the Special Advisers.

Dr. Kissinger: As I understand it, our view is it can be the same number as the ICCS.

Mr. Thach: This is a difference between Ambassador Sullivan and myself. Our point of view still differs regarding the machinery of the ICC and that of the Four-Party Joint Commission. Ambassador Sullivan thinks that the machinery of the International Commission should be equal, the same as the Joint Commission machinery; as for us, we think that the machinery of the Four-Party Joint Commission should be bigger than the machinery of the ICC.

Dr. Kissinger: Why do you want such a big machinery for something that will be abolished in 60 days?

Mr. Thach: The question here is not the question of the life of the Joint Commission but the question of the difference of the task of the

ICC. Although the life of the Joint Commission is only 60 days, the task, the responsibility of the Joint Commission is heavier, much heavier. While the ICC has an important task, important responsibility, but not so heavy as the task of the Joint Commission.

Le Duc Tho: I have a proposal now. The two Special Advisers have not yet studied it.

Dr. Kissinger: Out of friendship, I agree to that formulation—because I don't want another Special Adviser to be in an isolated position. [Laughter] But I think we can settle the first of these questions and leave all the others until tomorrow. The first question is whether we should agree on a protocol on economic reconstruction now.

Le Duc Tho: We will settle this question and then we will leave until tomorrow.

Dr. Kissinger: And then we will leave until tomorrow. I know the Special Adviser won't feel fulfilled unless he settles the question of the relation of the Four-Party and the Two Party Commission before he leaves. But let us discuss this issue of the number of protocols.

We cannot sign a protocol that is attached to the peace treaty for two reasons. One, it would have no practical significance because it depends on Congressional approval. And if it were part of the Agreement, as a protocol, the whole thing would have to be submitted to Congress and to its appropriations procedures and it would then delay the implementation of the Agreement. The third reason is that, as I have often said to the Special Adviser, we cannot really sign anything in the nature of reparations, and we have already gone very far by indicating our willingness in the Agreement. Also, I told you that when we begin discussing post-war relations, which we have undertaken to do within a week to 10 days of the signing of the Agreement, we will then reach an understanding on that question.

Le Duc Tho: So let me say a few words and then we adjourn. How this question is important to us is known to you, because I have spoken about it on many occasions. It is also part of the Agreement, and it is also part of our future relationship. I agree that it should not be a protocol attached to the Agreement, but we should discuss to find out some way to stipulate the great principles. It may be a kind of a protocol but between the two parties only, independent from the Agreement. And after that, when you visit Hanoi then we will discuss and it becomes an Agreement between the two parties.

Dr. Kissinger: Are you finished?

Le Duc Tho: This is how I envisage. I have given you a draft.

Dr. Kissinger: It keeps going up. Your charge is \$500 million for six months and now another \$500 million for two weeks.

Le Duc Tho: I bring this up to discuss tomorrow. But your recent bombing raids cause great losses. We will discuss it.

Dr. Kissinger: I will not discuss it now. I have given you my general observation but I would like to make one other comment for your thinking. I have often said to the Special Adviser that the improvement of our relations beyond the provisions of this Agreement is in our view perhaps the most important result of this Agreement. We are very serious about this, because we believe that the future evolution in Indochina depends more on that relationship than on legal formulations of this or that clause. So we seriously want to establish a new relationship and we seriously want to participate in the reconstruction effort in your country. So the basic problem really is to find a way of doing it; it is not the principle. But it will be easier for us to be concrete when we visit Hanoi than it is now. But I am prepared to discuss it with you.

Le Duc Tho: We will discuss here the first step only, the big principles.

Dr. Kissinger: We are prepared to discuss the big principles.

Le Duc Tho: But of course we will discuss the relationship after the signing of the Agreement, because we should discuss also the setting up of the Joint Economic Commission and then we will come to the economic results of this. I agree with you that good relationship should be first. And we should envisage this relationship because this relationship will build up on this question. But in any case we will discuss the big principles.

Dr. Kissinger: Good. I am prepared to do that. So should we meet at what time tomorrow morning?

Le Duc Tho: Ten o'clock.

Dr. Kissinger: At Gif?

Le Duc Tho: Yes.

Dr. Kissinger: All right, and we will have our protocol people with us. If they have finished drafting should they meet here. They will continue drafting, and then tomorrow afternoon after you and I have finished we will have comparison of language texts and we will make those changes in the understandings which we agreed upon this morning. So we meet at ten o'clock tomorrow at Gif.

Le Duc Tho: The experts for the comparison of the text, at what time?

Dr. Kissinger: Whenever we finish in the afternoon—three o'clock. They stay behind. On our side it will be Mr. Lord, Mr. Engel and Mr. Negroponte, and maybe Mr. Rodman. And anyone on your side except Mr. Loi is acceptable. But as a sign of good will we will accept him. [Laughter]

Le Duc Tho: So the protocol experts will meet here.

Dr. Kissinger: Except for Thach and Sullivan.

Le Duc Tho: And after when we meet at Gif the language experts will remain.

[The meeting adjourned at 4:00 p.m.]

46. Memorandum of Conversation¹

Paris, January 12, 1973, 10:15 a.m.–4:15 p.m.

PARTICIPANTS

Le Duc Tho, Special Advisor to DRV Delegation to the Paris Conference on Vietnam

Xuan Thuy, Minister, Chief DRV Delegate to Paris Conference on Vietnam

Nguyen Co Thach, Vice Minister for Foreign Affairs

Trinh Ngoc Thai, Delegation Member

Nguyen Dinh Phuong, Interpreter

Two Notetakers

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs

Ambassador William Sullivan, Deputy Assistant Secretary of State

Winston Lord, NSC Staff

David A. Engel, NSC Staff, Interpreter

Peter W. Rodman, NSC Staff

Mrs. Mary Stifflemire, Notetaker

[Prior to beginning the general meeting, Dr. Kissinger and Le Duc Tho met privately for five minutes.]

Le Duc Tho: You should endeavor that tomorrow you will be able to leave.

Dr. Kissinger: I must leave tomorrow.

Le Duc Tho: And if there is some questions left regarding the protocols I will remain here and push them.

Dr. Kissinger: Push?

Le Duc Tho: You remember the word “don doc” very well. [Laughter] I told him already [motioning to Vice Minister Thach].

Dr. Kissinger: So today we go through the protocols. Then our experts will compare the texts of the understandings and then tomorrow

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 866, For the President's Files (Winston Lord)—China Trip/Vietnam Negotiations, Camp David Memcons, January 8–13, 1973 [January 23, 1973]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at 108 Avenue du Général Leclerc in Gif-sur-Yvette. All brackets are in the original. The tabs are attached but not printed.

row we review whatever difficulties may still remain and agree finally on the schedule. [Tho nods]

Now with respect to aircraft carriers, as a sign of good will . . . the understanding requires only to go into effect after the withdrawal is completed. But as a sign of good will, we will move our aircraft carriers a considerable distance beyond the shores of North Vietnam close to the line that we have agreed upon, after the signing. [Tho nods] But we can do this only if there is no announcement and no publishing.

Le Duc Tho: No, I will not. The understanding will not be published.

Dr. Kissinger: Good. I just wanted to inform you of this.

Le Duc Tho: We will only record the understanding and not publish it or announce it.

Dr. Kissinger: Right, and what I have just told you is a unilateral statement.

Le Duc Tho: And regarding South Vietnam, your oral statement you will keep.

Dr. Kissinger: It will go into effect after the withdrawal.

Le Duc Tho: I agree with you. I agree.

Dr. Kissinger: But we will show restraint in the whole period. We will not put an aircraft carrier into Saigon [Tho laughs] or where people can see it from the shore.

Now, we have brought along what we think should be Article 23 of the two-party [Tab A] and Article 23 of the four-party signature [Tab B]. I frankly have not yet been able to get a conclusive opinion on the Preamble and I will talk to you later. But I propose today we talk about the protocols, and discuss this tomorrow after the language experts have discussed it—Article 23. [Hands over Tabs A and B. The DRV studies them.]

Le Duc Tho: We will consider your views here and we will discuss them tomorrow then.

Dr. Kissinger: I agree. Now I don't want to deprive the Special Advisor of what I know he has been looking forward to all these weeks—a full discussion of the protocols [Tho and Xuan Thuy laugh]. Should we wait for the saboteurs?

Le Duc Tho: Let us discuss.

Dr. Kissinger: I would be glad to put him on a telephone.

Now first, we have four issues left with the protocols—the size of the International and the Four-Party Commissions, the status of the Two-Party Commission, how to fix the ceasefire, and the rights of the International Commission under Article 8(c) with respect to the prisoners. And there may be one on expenditures.

Le Duc Tho: Besides that we would like to discuss the bilateral protocol outside of the agreement regarding the U.S. responsibility for healing the wounds of war in North Vietnam.

Dr. Kissinger: Yes, we discussed that yesterday. That is the reason I did not mention it. But I agree to discuss it. I mean, in principle. I noticed Mr. Brezhnev has already announced that we have reached an agreement.

Xuan Thuy: He is guessing, like the journalists.

Dr. Kissinger: We haven't told him anything.

Xuan Thuy: He expresses his hope, and so does President Pompidou and Foreign Minister Schumann.

Dr. Kissinger: Schumann we tell less than anything.

How should we proceed, Mr. Special Advisor?

Le Duc Tho: What items do you like to discuss first?

Dr. Kissinger: Should we discuss them in the order in which I mentioned them, the size of the International Commission and the Four-Party Commission first?

Le Duc Tho: All right. Your views now. The two experts have put forward different views.

Dr. Kissinger: Our view is that the number we gave is a reduction, a substantial reduction of the original proposal, which in turn was a reduction of my very first proposal. And it seems to us that if these teams operate in seven regions and 42 other locations, plus ten border posts, that our figure of about 2,000 is a realistic figure. And we of course would be prepared to have the same number for the Four-Party Commission.

Le Duc Tho: In my mind the task of the International Commission is less than the task of the Four-Party Joint Commission. The task of the Four-Party Joint Commission is heavier; this commission is directly involved in the tasks of the localities and everyday tasks. And moreover this commission is directly involved in the settlement of many questions of the locality. Therefore as a principle I think that the number of personnel in the Four-Party Commission should be bigger than that of the ICC. Moreover, in accordance with the determination of the task of the ICC and the Four-Party Joint Commission as determined by the experts, then we say that the task of the Four-Party Joint Commission is heavier than that of the ICC.

Dr. Kissinger: I need a new set of experts. [Laughter] Because our conclusion was the exact opposite.

Le Duc Tho: So we still have very different views.

Dr. Kissinger: Well, first of all the Four-Party Commission, unless I misinterpret you, will stop operating after 60 days. [Tho nods] So it

is difficult to reconcile the idea of their heavy responsibilities with their short life. But it may be that what attracts the Special Advisor is their short life. [Tho and Thach laugh]

Le Duc Tho: I propose the following discussions. I think that in the International Commission the personnel may be divided into three categories: The first category is the representatives of the member countries in the International Commission; the advisers, the staff officers, the composition, the members of the teams. As to such personnel as communications personnel, code, cipher personnel . . .

Dr. Kissinger: I would like to see a cipher that includes Indonesian and Hungarian.

Le Duc Tho: . . . interpreters, transport personnel, it is a second category.

Dr. Kissinger: There are some people who think Hungarian is a code by itself. [Laughter]

Le Duc Tho: And this is the first category and the second category. And the third category is the guards. So I propose that you and I will discuss only the number of the first category. As to the second and the third, we will leave them to Ambassador Sullivan and Minister Thach.

Dr. Kissinger: All right. What is your proposal?

Le Duc Tho: I propose that we will discuss the first category of personnel. As to the second and third we leave them to Ambassador Sullivan and Minister Thach, because the first category is the responsible members of the Commission. Because these will be put into teams.

The other day we propose 500 persons for all categories. In our view the first category will account for 300 and the second and third for 200. The number you propose, 2000, include all the three categories, but if we speak of the first categories only the number given by you is roughly 1,000.

Dr. Kissinger: Well, it would be closer to 1,400–1,500.

Le Duc Tho: So, according to your calculation it is roughly 1,400.

Dr. Kissinger: Yes, in the first category.

Le Duc Tho: So in my mind the 500 persons of the ICC, the first category will account for roughly 300.

Dr. Kissinger: Well, we think that is much too low. Could I have your idea also, so I can think about it, of the Four-Party Commission? I suppose you break that down the same way, I mean into three categories.

Le Duc Tho: We also divide them into three categories. And the first category will account for roughly 1,500.

Dr. Kissinger: Plus one Viet Cong division in Saigon to guard them. [Vietnamese laugh]

Le Duc Tho: No, not so much. Only one section!

Dr. Kissinger: I am trying to show good will! So, in the Four-Party Commission the first category requires 1,500. So that is a ratio of five to one. And what is the total number, would you think? Would you care to make it about 2,500 for the Four-Party Commission?

Le Duc Tho: Approximately 4,000.

Dr. Kissinger: [Laughs] No one will ever accuse the Special Advisor of starting too low.

Ambassador Sullivan: It is a very big buffalo.

Le Duc Tho: And you will put up a statue like Mr. Loi.

Dr. Kissinger: That is why he wanted me in Hanoi later, because the statue isn't finished yet. Well, with respect to the International Commission, category one in your calculation represents 60% of the total number. Then if the same ratio is used for the Four-Party Commission, if category one is 1,500 the total number according to your calculations should only be 2,500.

Le Duc Tho: You see, the ICC, besides the number of personnel coming from the member countries, they can use Vietnamese nationals for support personnel.

Minister Thach: So the number of personnel we mentioned here does not include the Vietnamese nationals employed by the ICC.

Dr. Kissinger: Should they be employed as code clerks? [Tho laughs]

Minister Thach: For the code personnel they should use their own.

Le Duc Tho: Moreover the Four-Party Joint Commission will need some number of guards because there is still a hostile atmosphere. It is different from the ICC immediately after the war. So I feel there are three reasons why the number of personnel of the Four-Party Joint Commission should be bigger than the ICC: First, the task is heavier. Second, all the personnel should be Vietnamese—the cooks, the transport personnel, etc., all Vietnamese, the guards Vietnamese. As to the ICC, besides the personnel brought from their countries they can use Vietnamese nationals, and where the ICC team is located then the guard, the security, is insured by the local authorities. Therefore in any case the number of personnel of the Four-Party Joint Commission should be bigger than that of the ICC.

Dr. Kissinger: And if they don't behave themselves the local authorities will no longer be responsible for their security!

Le Duc Tho: In any case they should be assured about security. Because the Four-Party Joint Commission should have some guard, some small number.

Dr. Kissinger: Yes, but you do not list the number of Vietnamese employees as part of the composition of the International Commission, do you? But separately.

Ambassador Sullivan: No.

Le Duc Tho: Right. We have not yet included the Vietnamese nationals serving in the ICC in this number.

Dr. Kissinger: Yes, but I think we should begin with a global figure and then worry about the details of guards. We are in no position to do that here.

Le Duc Tho: It is a matter of course, because we should discuss here only the responsible people, the members of the team, the members engaged in control and supervision only. This is the first category only. So for the first category you propose 1,400. I propose 300.

Dr. Kissinger: May I ask you a question that fascinates me? How do you divide 1,500 by four? [Vietnamese laugh]

Le Duc Tho: This is roughly like that. We are discussing.

Dr. Kissinger: I just want to make sure, because I know how conscientiously you take your obligations and you might supply half a DRV man. [Tho and Thach laugh] I know we have proposed 1,400 and you have proposed 300, so I don't think we are in complete agreement. [Laughter]

Le Duc Tho: So I propose the following. You will reduce your number and I will increase my number, and we will meet gradually.

Ambassador Sullivan: You make a great effort; we will do the same.

Dr. Kissinger: We still have a philosophical problem, which is the relationship between the 1,500 and the 4,000. Let me say this. I will accept the principle that the Four-Party Commission should be somewhat larger than the International Control Commission. But not five times larger. [Tho laughs]

Le Duc Tho: So what is the ratio you propose?

Dr. Kissinger: We recognize that you may need more support and guard elements in the Four-Party Commission as opposed to the International Commission.

[Both parties conferred.]

Ambassador Sullivan: Fish traders. [Laughter]

Dr. Kissinger: We could perhaps try—it would be very difficult—but 1,100 in the first category for the International Commission.

Le Duc Tho: So with the second and third categories it would amount to nearly 2,000.

Dr. Kissinger: Somewhat less, about 1,700.

Le Duc Tho: 1,600 then.

Dr. Kissinger: About 1,600. 1,600—1,700. That means 274 and a quarter Poles. No, it is 275 from each country [in the first category].

Le Duc Tho: So we propose 300; now you have reduced it to 1,100. Then I think that we do not agree to 500 then.

Dr. Kissinger: And split the difference.

Le Duc Tho: For the first category. [Kissinger laughs] But if now 500 for responsible people and if we add to them the support people, then it becomes 800, 700.

Dr. Kissinger: It is impossible to find 125 responsible Poles. The Special Advisor has already made an impossible condition because there are no 125 responsible Poles. [Vietnamese laugh]

Le Duc Tho: No, you see if now we propose 500 responsible people, with support people it then becomes 700 or 800, so it is nearly half of your number. In the International Commission under the 1954 Geneva Agreement for the whole of Vietnam there was less than 400.

Dr. Kissinger: But that agreement was much less complex.

Le Duc Tho: For all categories amount to 700 or 800.

Dr. Kissinger: But this is much more complex.

Le Duc Tho: But that is the reason why we have doubled the number. But a manifold increase, because the less than 400 personnel for the former ICC included all three categories of personnel, but here there is 500 responsible people.

Dr. Kissinger: I must say—for the course the Special Advisor and I will jointly teach about diplomacy I must point out how he operates: I first reduce 300 of our number. They then disappear completely, and then we negotiate the difference between 300 and the new number. [Laughter] In another hour it will be a sign of good will if the Special Adviser maintains his original number. [Laughter]

Le Duc Tho: No, I should frankly tell you that the number we propose is fairly enough, really enough, because if we add the support number to these 500 it would be 700 or 800. So your number, 1,100 plus 500, is too much.

And it is a big number already, because in the former commission the number of responsible people for the whole of Vietnam was about 200 only. Moreover the Canadian Government had just stated that they would need only 50 people for its delegation.

Ambassador Sullivan: I have answered that several times. They said when the ceasefire went into effect they would expect to have 50 people on the ground immediately and then they would build up to the other size.

Minister Thach: Let me explain to you what I read in the press, that the Canadian Foreign Minister said that Hanoi wants a small International Commission.

Dr. Kissinger: I don't know where he got that idea.

Minister Thach: In the Canadian Government's view the Canadian Government thinks that it can meet the intention of Hanoi by setting up

a small International Commission. Therefore 50 people of the Canadian Government is sufficient for . . .

Le Duc Tho: And I think if according to Ambassador Sullivan if they intend bringing 50 people in the very beginning and afterward they will build up gradually, that mostly they will treble this number and it becomes 150.

Dr. Kissinger: Does that mean you have just accepted 600?

Le Duc Tho: No, the Canadians propose 50 persons for all three categories.

Ambassador Sullivan: You must have been reading this in *Nhan Dan*.

Dr. Kissinger: But they never know what they will find in *Nhan Dan* when they open it in the morning. [Laughter] Well, we have two problems. First, the relationship in the size of the category 1 personnel between the Four-Party Commission and the International Commission. And the relationship between the percentage of the category two and three within each commission. With respect to category one personnel we had proposed equality between the two commissions, and you had proposed that the support personnel in the International Commission be about 40% of the category one personnel—of the total. Two-thirds of the category one personnel. But in the Four-Party Commission you have advocated a larger proportion. Because despite the atmosphere of national reconciliation and concord you think you may require more guarantees for the Four-Party Commission than for the International Commission. [Tho laughs]

So in order to make some progress and before we go back to the numbers, let me first talk about the ratios. We will agree that in the Four-Party Commission the category two and three personnel can be the same number as the category one personnel.

Minister Thach: You do mean that category three will equal category one; category two will equal category one?

Dr. Kissinger: Categories two and three together will equal category one. While in the other commission, in the International Commission, category two and three will be only two-thirds of Category one. So then secondly as to the ratio of category one personnel in both . . . I just want to prove to the Special Adviser that I can make any subject very complicated. [Laughter] And if your Politburo reads these protocols I want them to have to think. [Tho laughs] So I am trying to point out that I have made a concession to you by giving a larger percent of category two and three. It actually makes sense, Mr. Special Advisor, if you will let me continue. [Tho and Thach confer] I am not through with my proposal. So then my next proposal is that we have proposed that category one personnel be the same in each between the International Commission and the Four-Party Commission.

So now I propose, to take into account of your view, that the Four-Party Commission can have 25% more category one personnel than the International Commission in category one. And that the category one of the International Commission be 1,000. That would make the total International Commission about 1,600 and it would make the Four-Party Commission 2,500. It would mean . . . Mr. Sullivan asks whether he could sit on your side of the table because he doesn't understand it. [Laughter] It means that they have 1,250 category one and 1,250 support. That makes it 2,500. We have 1,000 plus—about 1,600.

Le Duc Tho: So we have agreed on the ratio between the different categories for the International Commission.

Dr. Kissinger: Yes, and for the Four-Party Commission. He always pockets immediately.

Le Duc Tho: Because for the Four-Party Joint Commission the guards and the support personnel account for a big number. It is the practical situation.

Dr. Kissinger: The Hungarians need a special group of cooks for the goulash, while you can use Vietnamese cooks. Well, what ratio do you propose for the Four-Parties?

Le Duc Tho: We would propose that for each category, all the categories are equal. Category one ratio one; category two ratio one, category one equal number.

Dr. Kissinger: But that is more than you started with. You started out with 1,500 personnel in category one and 4,000 altogether. So you have increased your ratio.

Le Duc Tho: Moreover the number of personnel of the Four-Party Joint Commission, you still give a too small discrepancy, 25% smaller. We would like to propose that there should be three times bigger.

Dr. Kissinger: On that basis.

Le Duc Tho: That is to say the International Commission will have 500 for category one, then the Joint Commission should be 1,500 for category one.

Dr. Kissinger: And 4,500 altogether. You have just increased it by 500. You started out by asking for 4,000. After hours of negotiations, as a sign of good will, you have asked for 4,500! [Laughter] Secondly, after hours of negotiation you have decreased the ratio but increased the number. I propose we exchange Mr. Thach for Mr. Loi. [Laughter]

But first, the figure of 500 is too small. And we think the figure of 1,000 is realistic.

Le Duc Tho: This is too many, too much. Because if you add them to the category two and category three, then it would amount to 1,600 or 1,700.

Dr. Kissinger: But that is 300 less than we proposed.

Le Duc Tho: But we have increased by 200. Because if we propose 500 category one then plus the other personnel it would be 800, or more than 800.

Dr. Kissinger: But 800 is not possible.

Le Duc Tho: 820.

Dr. Kissinger: How do you arrive at 820? 40% of 500 is 300; 60%—no, it is 800.

Le Duc Tho: Plus category two and category three.

Dr. Kissinger: Thach has now increased the Four-Party Commission to 7,000.

Le Duc Tho: No, not so much.

Minister Thach: About 9,000—900 already.

Le Duc Tho: I think that we have proposed a rather big number.

Dr. Kissinger: 800 as the total figure is just . . .

Minister Thach: 820.

Dr. Kissinger: You are wrong. I hate to tell you, Mr. Vice Minister, the ratio of 300 to 500 is actually the same as 500 to 800. I don't know where you got 20 from. And also we can't accept three to one of category one and two—categories two and three.

Le Duc Tho: Now I will state my third proposal and the last one. This is all the three categories, all the three categories, the total number of the ICC personnel is 1,000. So in comparison with the 1954 International Commission it is three times bigger. As to the Four-Party Joint Commission we maintain our view because it needs much bigger number of support personnel and guards. You should take into account of this practical situation.

Dr. Kissinger: That is four to one.

Le Duc Tho: 4,000 and 1,000.

Dr. Kissinger: Let me consult with my colleagues for five minutes to see whether we can make a counterproposal. Let us take a five minute break, and we will then make our final proposal. Ambassador Sullivan and I will point fingers at each other outside for the press.

[There was a short break from 11:40 to 11:55.]

Le Duc Tho: So the cold probably helps you find out the new figure.

Ambassador Sullivan: I still don't understand his mathematics.

Dr. Kissinger: I am glad I have Sullivan with me.

Le Duc Tho: Frankly speaking, the figure you gave is too big. Now as to the Four-Party Joint Commission. I reduce now the number from 4,000 to 3,500.

Dr. Kissinger: I wanted to make this proposal for your consideration. We will agree that the ratio of category one personnel on the Four-

Party Commission be 50% larger than on the International Commission. And we propose that the number of category one personnel of the International Commission be 800 and that the total be 1,250 to 1,300. Then the number of category one personnel in the Four-Party Commission can be 1,200, and we would agree to a total Four-Party Commission of 3,000. So we would have given you nearly three to one, and we would have reduced our figure very substantially.

Le Duc Tho: So we maintain that the Four-Party Joint Commission, the total number would be 3,500 and then the International Commission, the total number is 1,100. You should take into account of our situation regarding the support personnel.

Dr. Kissinger: I am dividing all these figures by seven and multiplying by $3\frac{1}{2}$ and then I will put the figure into a horoscope and see what happens. [Laughter] It is very difficult when the ratio between these two becomes very large. But let me propose—and if we can't accept this I would have to go to Washington—1,200 for the International Commission and 3,200 for the Four-Power Commission.

Le Duc Tho: So we would now, for the final decision, we keep the International Commission personnel to 1,100 but the ratio will be three for the Joint Commission, that is to say the Joint Commission will have 3,300.

[Colonel Guay arrives with a message for Dr. Kissinger.]

Ambassador Sullivan: Washington says hold out for 2,000.

Dr. Kissinger: It says 5,000.

Le Duc Tho: Maybe, or it says reduce drastically the number then.

Dr. Kissinger: [Reads message] Can I take one minute? It is a different issue. It is just in case I have to give an answer.

Le Duc Tho: I agree.

Dr. Kissinger: It is a different problem.

Le Duc Tho: Not about the agreement.

Dr. Kissinger: Yes, it is about the agreement, but on a different issue. But technical matters. It doesn't affect . . .

Le Duc Tho: This is a final proposal, 3,300 and 1,100.

Dr. Kissinger: Let us consider that for a moment. And don't appeal to Sullivan. I make the decision.

[Dr. Kissinger and Ambassador Sullivan go outside for ten minutes.]

Dr. Kissinger: Okay. This had nothing to do with . . . but I will discuss it with you later.

To show you what a great diplomat Ambassador Sullivan is—I won't tell him the result. During our first two visits here I briefed the South Vietnamese. So Sullivan fell asleep while I was briefing them.

[Laughter] And it was very disconcerting to see his head go down on his chest and then go up. So I forgot what I was saying. So on this trip he is doing the briefing. So yesterday he fell asleep while *he* was briefing. [Laughter]

Le Duc Tho: So I think on this question of total number of personnel, already you proposed 3,200 and we proposed 3,300, and therefore the ICC you propose 1,200 and we propose 1,000.

Dr. Kissinger: We will accept 3,300 for the Four-Power Commission if you accept 1,200 for the International Commission.

Le Duc Tho: 1,150.

Dr. Kissinger: Let us settle at 1,200 and 3,300. The last 50 will be very short. [Laughter]

Le Duc Tho: So I propose seriously 1,150, to keep the ratio three to one.

Ambassador Sullivan: That doesn't keep the ratio.

Minister Thach: Roughly.

Dr. Kissinger: That means 392½. Can we say 1,160?

Le Duc Tho: All right. To have a round figure.

Dr. Kissinger: 1,160 makes it 390 for each country.

Le Duc Tho: Yes.

Dr. Kissinger: All right.

Le Duc Tho: So we have solved a big question then.

Dr. Kissinger: When I have to explain to the press why it is 390 for each rather than 400 . . .

Le Duc Tho: Let us shift to another question.

Dr. Kissinger: All right. The next is the status of the Two-Party Commission.

Le Duc Tho: I think that regarding the Two-Party Joint Commission there has been a stipulation in the basic agreement to set up the Four-Party Joint Commission and the Two-Party Joint Commission. Therefore, I think that we should have a protocol on the Two-Party Joint Commission—just the principles—and leave to the two South Vietnamese to talk out the details.

Dr. Kissinger: We agree. Has Minister Thach seen this?

Minister Thach: Not yet. [Ambassador Sullivan hands him Tab C. Mr. Phuong translates into Vietnamese.]

Dr. Kissinger: We agree that we should just have the principle because otherwise we will delay the agreement.

Le Duc Tho: Let me propose the following. The first point I would like to raise is that the members of the two South Vietnamese parties should meet before the ceasefire just like the four parties should meet

before the ceasefire, to set up the Two-Party Joint Commission. Therefore I would propose after the initialing of the basic agreement the two South Vietnamese parties should meet. But pending that final agreement that the Vietnamese parties in the Four-Party Joint Commission should form the Two-Party Joint Commission, they will provisionally simultaneously carry out the task of the Four-Party Commission but at the same time the two South Vietnamese parties carry out the tasks of the Two-Party Joint Commission until it is to form such Two-Party Joint Commission. So it is more convenient what I propose.

Dr. Kissinger: I agree with the second part of what you say, that is, how the Vietnamese element of the Four-Party Commission should work until the Two-Party Commission is formed. That is a reasonable way of proceeding.

Now let me give you my frank opinion on the meeting of the Vietnamese parties between the initialing and the signing. I will speak to you openly. The procedures we have discussed yesterday are already going to be very difficult. But, as I told you yesterday, we are making already a big effort in this direction, and I think we can make progress. Now I think it is best if between the initialing and the signature there are not too many new elements introduced that could create excuses for delay and create new suspicions. And frankly, I do not see that the advantage of having those two sides meet before the signing is worth the disadvantage of the risk that either side may say something that will cause a delay or give an excuse for delaying. In fact I frankly think that between the initialing and the signing there should be the absolute minimum of contact between these two parties, in order to get the signing done. But I agree that immediately after the signing the two parties will meet. And I frankly do not even think the Four-Party Commission should meet before the signing. I think we should initial and then there should be nothing. Then there should be the signing, and then you and we can bring pressure on having things work smoothly. It is in our common interest. It is not an issue of principle.

Le Duc Tho: I agree with you. I think that after the ceasefire, 24 hours after the ceasefire, then the four parties should meet to discuss.

Dr. Kissinger: I agree.

Le Duc Tho: And the two South Vietnamese parties should meet to discuss, to set up the Two-Party Joint Commission.

Dr. Kissinger: I agree.

Le Duc Tho: But pending the setting up of the Two-Party Joint Commission, then the two South Vietnamese elements of the Four-Party Joint Commission should function as the Two-Party Joint Commission. Then the two South Vietnamese elements will simultaneously carry out the tasks of the Four-Party Joint Commission and the Two-Party

Joint Commission, and at the moment when the Four-Party Joint Commission completes its tasks then the two South Vietnamese parties will continue to function as the Two-Party Joint Commission. This is convenient. So we have solved this question.

Dr. Kissinger: I agree completely. And Ambassador Sullivan and Minister Thach will adapt the paragraphs we gave you to express this thought. We will not spend more time now.

Ambassador Sullivan: It just needs one more paragraph.

Dr. Kissinger: This is what we attempted to do, but we consider it settled and the Minister and the Ambassador . . .

Le Duc Tho: Another question—detention camps.

Dr. Kissinger: On my list I have fixing the ceasefire next. But I am prepared to discuss the detention camp problem also. On the ceasefire, the difference as I understand it—at least the theoretical difference—is that we are proposing that the units and the locations be designated, and that the ceasefire be established through the location of the units. On your side—to make our position clear—we do not care what designation you give this unit. It does not have to be your own designation. You can just say Unit A is in this location and we do not insist that you tell us what you call this division.

Your point of view, as I understand it, is to do it by area. But I believe there is no practical difference, because in order to determine the area you have to determine the location of the forces. So I think we will arrive at the same outcome. Isn't that right?

Le Duc Tho: Let me explain to you how we conceive the question. In the agreement there is a stipulation on the definition of area of control. And in this area of control there is the location of the troops. Therefore we stand for the definition, the determination of the zone of control. Moreover at the conference on Laos in Geneva this is the way adopted at that conference. So it is more practical to do in this way. Moreover in the agreement we have the clear stipulation on this question to say that the definition of area of control and then the definition of the modalities of stationing. Therefore in my view with the stipulation in the agreement, so in the protocol we should put this sentence. And then we have just the sentence in the protocol, and then after the ceasefire the Four-Party Joint Commission will discuss this question and determine the zone of control. Here it is very difficult for us to discuss and to decide how the zone of control should be determined. I think that for military men they will have more practical discussions. I think that the military men will have more practical discussions than we. So if now Ambassador Sullivan and Minister Thach discuss to see where are the location of troops, where are the zone of control, they cannot do that. So let us agree on this principle only.

Dr. Kissinger: I understand the Special Advisor's basic point. And I agree with his thinking. We are not in a position here to determine the exact location. Therefore may I make this suggestion? First, there are two basic problems. One is how to handle units which are in direct contact with each other to prevent them from starting the war again. That is not disputed. There should be a meeting of commanders to make practical arrangements. Second, with respect to the question of how one goes about implementing the agreement, we can agree to repeating in the protocol the basic sense of the agreement. If you can agree to one sentence or two sentences that say: "In determining these areas the commanders will be guided by the stationing of troops and the location of forces," something like that. This is in practice what will happen anyway, and then we just have a very simple paragraph.

Le Duc Tho: So I propose the following. In the protocol we will have a sentence reflecting the stipulation, the basic agreement, as I have just proposed. Then we will add another sentence that the Two-Party Joint Commission and the local commanders will discuss and will determine the areas controlled by each party and the modalities of stationing of troops in the spirit, in accordance with the stipulation mentioned in the agreement. The local commanders will help the Two-Party Joint Commission in carrying out this task and to facilitate the tasks of the Two-Party Joint Commission.

Dr. Kissinger: But not by moving their troops so they can see better what the terrain looks like. [laughter] But seriously, I can accept this if we can add one sentence that in making this determination they will be guided by the location of forces, disposition, etc. so that they have some criteria. How else are they going to do it?

Le Duc Tho: They will have to carry out the stipulation of the agreement. First, to determine the areas of control, second to decide the modalities for the stationing of troops.

Dr. Kissinger: But in that case we don't need a protocol. I agree with that. I just want to add one sentence—rather than our long paragraph—that in making this determination they will be guided by the strength, location and the deployment of forces.

Le Duc Tho: So I propose that the Two-Party Joint Commission will, together with the local commanders, discuss, determine the criteria for the determination of zone of control and modalities of stationing. This is the spirit of the agreement.

Dr. Kissinger: The trouble is, if you don't give them some criteria they will still be arguing in 1976. And in fact I wanted to propose writing into the agreement the provision that our next Presidential election should be conducted without an offensive in Vietnam. We are so used to it now. [Tho laughs]

Le Duc Tho: I think that we can't determine the criteria here. I think that military men and the Two-Party Joint Commission will determine these criteria to be more appropriate. They have to discuss how to determine the area of control. They have to discuss and determine the modalities of stationing.

Dr. Kissinger: But military men have the tendency of discussing areas of control by seizing it. [Laughter]

Le Duc Tho: No, after the ceasefire that should stop!

Dr. Kissinger: I will have to consider this.

Le Duc Tho: Now let us shift to another question then.

Dr. Kissinger: All right—detention?

Le Duc Tho: Yes. Ambassador Sullivan told Minister Thach and agreed with him that there should be the control by the International Commission of the detention camps under Article 8(a) and 8(c). I think this is correct and proper, but afterward Ambassador Sullivan retract from that and . . .

Dr. Kissinger: Probably blaming me.

Le Duc Tho: And said there should be control of the detention camps from which the prisoners will be returned. So what is your view now, Mr. Advisor? I think this is the question of the return of the prisoners but also it involves some humanitarian questions too. Moreover this is applied to all the parties.

Dr. Kissinger: Can the Special Advisor explain to me just what does he mean by this "control?" The agreement provides only for the return of prisoners in a certain way. So this aspect of it clearly should be put under international control.

Le Duc Tho: This is what we did under the 1954 Geneva Agreement. We allowed the commission to inspect—[Mr. Phuong corrects the translation]—inspect, [not control,] the detention camps of the two parties. And in the past you repeatedly asked for the inspection of the American prisoners' camps in North Vietnam.

Dr. Kissinger: But I don't remember that we were extremely successful.

Le Duc Tho: Now we will put it to success, that.

Dr. Kissinger: I am reading Chapter VI again. I forget who wrote this chapter up. It is longer than all the rest of the agreement. Mr. Loi?

Le Duc Tho: Mr. Loi? [Laughing]

Ambassador Sullivan: As a foundation for his statue.

Le Duc Tho: As now you refer to Chapter VI, then I should open the agreement again because I don't remember it! Which is the purpose of Chapter VI? What chapter is it?

Dr. Kissinger: Well, our view is that you are raising two different issues. During the war we asked for the inspection of prisoner camps

to see whether the provisions of the Geneva Conventions were fulfilled. And so we were not asking for any new obligation. Now we believe that the control provisions of this agreement apply only to the obligations that exist under the agreement. The obligations of this agreement under paragraph 8(a), 8(b) and 8(c), are for the release of certain categories of prisoners. And therefore we believe that this aspect of it, namely the return of prisoners, should be under international control. And under, of course, the control of the other organs. Therefore we believe that the control provisions should be in terms of the requirements and the obligations of the agreement, and that is what we are trying to accomplish.

Le Duc Tho: So I think that the tasks of control and supervision by the International Commission is mentioned in the agreement regarding 8(a) and 8(c). Therefore I agree with you that they will control the place of detention from where the prisoners would be returned. But I would like to add another sentence, the following paragraph.

Dr. Kissinger: Paragraph?

Le Duc Tho: Sentence. "The Red Cross of the four member countries of the International Commission and the Red Cross of the four parties participating in the Paris Conference will send joint teams to inspect all places of detention to help improving the living of its captured and detained people."

Dr. Kissinger: This is a new problem for us because we had not previously been aware of your enthusiasm for the Red Cross. [Tho and Thach smile.]

Le Duc Tho: So what is your view? I think that if the Red Cross people do this task it is proper.

Minister Thach: Ambassador Sullivan told me yesterday that it is the Red Cross which does this task. It is more proper.

Ambassador Sullivan: No, what I said yesterday was that the prisoner of war camps . . .

Dr. Kissinger: We are grounding him.

Ambassador Sullivan: The prisoner of war camps that contain the persons under Article 8(a) should be inspected both in North and South Vietnam by the International Committee of the Red Cross, which had this task under the Geneva Conventions, which we had both signed. They are currently doing this in South Vietnam. It has nothing to do with this agreement.

Le Duc Tho: Now for convenience purposes, I propose now the Red Cross of the four members of the International Commission will inspect the detention camps, but we delete the rest of the parties participating in the Paris Conference. It is more suitable, for humanitarian purposes, and only during the period of the return, the 60 days or 90 days.

Dr. Kissinger: I knew he would reopen 8(c). [Laughter] He has been under such great self-control.

Le Duc Tho: If we propose the Red Cross, then it is humanitarian.

Dr. Kissinger: Let me state my point of view. I have great sympathy for your objectives. I think that the conditions in prisons should be humanitarian. We have no interest in anything else, and we don't want to give the impression that we are encouraging anything else. So, frankly, I agree with your objective. But now we have a problem of concluding the agreement. And this in fact introduces a new consideration and a new obligation that is not part of the original agreement. And we have in our protocol a phrase, which we support, that prisoners should be treated humanely in accordance with Article 3, I think, of the Geneva Convention on War Victims. We have the phrase "captured and detained Vietnamese personnel shall be given humanitarian treatment in accordance with Common Article 3 of the Geneva Conventions of 1945 on the Protection of War Victims." And that reflects our strong conviction.

Le Duc Tho: Yes, there is such a sentence in the protocol, but for the implementation of this provision I think that inspection by the Red Cross of the member countries of the International Control Commission is nothing difficult.

Dr. Kissinger: But, you see, it will raise a very profound issue of sovereignty to put something that is not in the agreement under an international inspection. That is my concern. I am really concerned about speeding the signature. I am not concerned with your objective. Ambassador Sullivan and I have discussed this. Ambassador Sullivan and I agree with your objective. We want to make sure that the prisoners are treated in a humanitarian fashion, so you should not misunderstand our concern.

Le Duc Tho: In the Korean War they have done the same thing. The Red Cross of the two parties inspected detention camps. In 1954 we did the same with the French and we inspected the detention camps too.

Dr. Kissinger: I understand your objective and we are talking about only one sentence now. Can we keep it until tomorrow morning? [Tho nods yes] And we will see whether we can make some proposal.

And that means that tomorrow morning we need one sentence on ceasefire and one sentence on this. But now, we have not yet discussed the POW protocol.

Le Duc Tho: Right.

Dr. Kissinger: And it is really one of the greatest importance to us. It is very difficult for me to return to the President and say with respect to the bombing, for example, without being sure that there are no issues of principle left.

Le Duc Tho: Which principle then?

Dr. Kissinger: I just want to make sure whether it is possible after our meeting this afternoon, while the language experts meet, whether Ambassador Sullivan and Mr. Thach couldn't meet to go over the text to make sure there are no major unresolved issues. The drafting we can leave in detail until later on the prisoner one.

Le Duc Tho: I think that there is no big question of principle here, because in the agreement there is the provision 8(a) and the President of the United States' statement that all American prisoners should be returned. We will fulfill this. And American military and civilian prisoners are not linked at all to Vietnamese political, Vietnamese civilian detainees. This is a great principle. So now, for the return, we will respect the timing, the period. All prisoners will be returned.

Dr. Kissinger: But couldn't the two just review the protocol after the meeting this afternoon?

Le Duc Tho: I agree.

Dr. Kissinger: And I will think overnight on seeing whether we can make some suggestion on your point of concern with respect to conditions in the camps. Is the Special Advisor going anywhere? [Le Duc Tho was putting away his papers.]

Le Duc Tho: So we have finished two questions now.

Dr. Kissinger: No, I have one more.

Le Duc Tho: We solved the question of the total strength of the ICC, of the joint commission. As to the details Ambassador Sullivan and Thach can discuss. Second, we have solved the question of the Two-Party Commission. Now only remains the question of the control area and then the Red Cross question. And then on the protocol on prisoners, Ambassador Sullivan and Thach will confer. I have stated to you the big principle regarding the prisoners. I propose now to adjourn to have lunch.

Dr. Kissinger: All right.

Le Duc Tho: And after lunch you still owe me on the healing of the wounds of war.

Dr. Kissinger: That is right, and one more on the protocol on expenditures.

Le Duc Tho: We will base ourselves on the agreement.

Dr. Kissinger: There is nothing in the agreement. [Tho laughs]

Thach: Have you read the protocol on Laos regarding this question? We worked it out.

Dr. Kissinger: I have one consolation. My successor eight years from now will have to meet with the Special Advisor and try to understand what we agreed to here. [Laughter] And since we change and Mr. Thach goes on forever, I pity my successor.

What is our concrete proposal on the expenditure?

Ambassador Sullivan: Our proposal is that the commission shall have the right to make up the budget and that the four parties will contribute in accordance with certain shares and the commission members will have a certain share. Their proposal is that the four parties determine the budget—or, in short, that Hanoi has a veto.

Dr. Kissinger: I think our proposal is logical, reasonable, and just. [Laughter]

Le Duc Tho: And you have made a great effort. [Laughter]

Dr. Kissinger: In accordance with objective reality. [Laughter]

Le Duc Tho: So I will propose a little break now and after that we will exchange views.

[There was a luncheon break at 1:22. A meal (including caviar) was served to the U.S. side in the meeting room, while the DRV side repaired upstairs. Le Duc Tho came down alone about 10 minutes before the meeting resumed and held a private session with Dr. Kissinger.]

[At 2:50 p.m. the North Vietnamese returned to the meeting room, along with a photographer, who took several still photos of the group around the table. Then cameras were set up and a film was made for about 5 minutes.]

Dr. Kissinger: You notice how my assistants are pushing themselves in front of me? Somebody better get control of the Minister though. [Laughter] He is a great television star.

Le Duc Tho: So it is the first time we have photographer at the meeting together.

Dr. Kissinger: That's right.

Le Duc Tho: So it is an enduring evidence of our progress.

Dr. Kissinger: That is correct.

Le Duc Tho: So I am certain that with our effort tomorrow you will be able to leave.

Dr. Kissinger: I will leave and I am certain that we can keep to the way agreed in the schedule. There can be no unexpected development.

Le Duc Tho: Then I can say that I provisionally believe you. [Laughter]

Dr. Kissinger: I hope there will be no unilateral interpretations before the signing.

Le Duc Tho: Yes, after we have initialed the agreement then we should interpret the agreement.

Dr. Kissinger: I would wait until after the signing. And we will have to do some briefing, but I will keep it very restrained.

Ambassador Sullivan: I want you to be sure to send me a copy of the picture when I am shaking my finger at you. I don't think you will publish that. [Laughter]

Xuan Thuy: We have not begun filming when you finger him.

Ambassador Sullivan: Yes, just a flashlight—no film yet. It is already destroyed. That is self-destruction. That is part of the Article on dismantlement.

Dr. Kissinger: I hope you notice—one of my staff members pointed out—how we have already started the dismantlement of the Danang Air Base.

Le Duc Tho: I heard about that.

Dr. Kissinger: It was a joint operation.

Le Duc Tho: And they have caused rather big losses at Danang.

Dr. Kissinger: Yes, they are always most accurate when they hit the wrong target. If we had aimed for the French Embassy it would have taken us three weeks to get it.

Le Duc Tho: But I think that the pilot, sometimes they are mistaken in targeting.

Dr. Kissinger: Sometimes there is a mistake and sometimes a plane gets hit and then it drops its bombs so that it can fly faster. And that is I think how the accidents happen. [Tho nods] But about the Danang Air Base I have no explanation.

Ambassador Sullivan: Article 5.

Dr. Kissinger: That's where they started from as far as I know.

Le Duc Tho: I thought that they did it purposefully.

Dr. Kissinger: You never make allowance for incompetence. I don't know what they were aiming at, do you? [to Sullivan]

Xuan Thuy: But has the investigation come to findings?

Dr. Kissinger: Maybe, but I haven't seen it because I haven't been back in Washington. I will tell you on the 23rd. It will be the first item on the agenda.

Le Duc Tho: I read about that in the press.

And after our meeting, then the experts will meet here.

Dr. Kissinger: The language experts will meet here. We have a shortage of interpreters, so if Minister Thach and Sullivan maybe you could go over to the other place together. That might be the best solution.

Le Duc Tho: We have very few English interpreters of the English language.

Dr. Kissinger: Well, if Ambassador Sullivan and Minister Thach go to the other place then we can handle the translation. And that is what they should do.

Minister Thach: You will be going to St Nom?

Dr. Kissinger: Yes, and then Rodman, Lord and Engel will stay here. That leaves me without any assistants. [Camera crews start working.] Is this going to be a documentary? Is this black and white, or color?

Le Duc Tho: Color.

[Photographers finished at 3:00 p.m.]

Le Duc Tho: Now, please let us shift to the expenditures of the International Commission.

Dr. Kissinger: Yes.

Le Duc Tho: Please express your views.

Dr. Kissinger: Our view, without going into technicalities, is that the International Commission should have the right to set its own budget and that it should not be dependent on the veto of any one of the parties, because any one of the parties could abolish the Commission by refusing to approve its budget.

Le Duc Tho: Under Article 18(h) of the agreement . . .

Dr. Kissinger: [Laughs] I knew it.

Le Duc Tho: [Reading] "The four parties agree immediately on the organization, means of activity and expenditures of the International Commission." Because in my mind if now the International Commission decide on its budget and then all the parties have to afford money to fulfill this budget, then that will not do.

Dr. Kissinger: It's a good form of economic aid for Hungary. [Laughter]

Le Duc Tho: No, in my view I think that the International Commission will decide its budget but submit this budget to the four parties, and the four parties will approve the budget, and it is up to the Commission to expend the money in the budget.

Dr. Kissinger: Yes, but what if the four parties don't approve the budget?

Le Duc Tho: I think then in the common interest the four parties have to accept the budget. The question is only whether the budget is too much or too little only. Because it will be very difficult if the spender decides the amount to be spent, and if the contributor have to afford the amount decided by the spender.

Dr. Kissinger: But the members of the International Control Commission have to contribute part of the expense themselves.

Le Duc Tho: But they will have only to contribute 2% only.

Dr. Kissinger: But on the other hand it is very difficult to maintain that the Commission has any independent status if any member can veto its budget—if any of the parties that it is supposed to control can veto its budget.

Le Duc Tho: But the ICC will discuss and decide on its budget. But the contributors will have to decide on whether they can give the contribution. It cannot do if the International Commission will spend any amount it likes. And I think that this question has been decided in the agreement already. We would have to implement it. But as to how to facilitate the work of the Commission, we can agree with you on the means of activity of the commission. As to the budget we feel it difficult to agree with you.

Dr. Kissinger: Let me make the following proposal: that in case of a disagreement between the Commission and the parties about the budget, the old budget continues. We will agree on the first budget—the four parties. And if your concern is that then the next year the Commission asks for too much, then we say there is a disagreement and the old budget continues until there is an agreement.

Le Duc Tho: Yes, so we will follow the old budget that has been agreed to by the four parties.

Dr. Kissinger: Yes.

Le Duc Tho: All right. Agreed.

Dr. Kissinger: Now, Mr. Special Advisor, how will we get the first budget—in a spirit of conciliation and good will?

Le Duc Tho: I think that the four parties have to agree on the budget.

Dr. Kissinger: Well then, let's do that next week.

Le Duc Tho: Because it reflects the serious implementation of the agreement.

Dr. Kissinger: I think that is reasonable.

Le Duc Tho: I agree with you.

Dr. Kissinger: I am beginning to enjoy dealing with the Special Advisor. Just when I am getting used to him we sign the agreement. It is almost not worth it.

Le Duc Tho: So now of the five points we have to resolve, we have resolved three today. So I propose that we will finish the two tomorrow.

Dr. Kissinger: I agree.

Le Duc Tho: So now regarding the healing of the war wounds. I have expressed my views on this question at length in October. You have known our views. I think that it is an obligation of the United States to reconstruct our economy and to rehabilitate our economy after the war. I agree with you that this is not a protocol attached to the agreement, but it is something between us two independently of the agreement and this will reflect the relationship we have after the war. So I would like to propose now we will have a provisional bilateral protocol not attached to the agreement. And when you visit Hanoi we will discuss this in detail and we will come to a concrete agreement.

I think that this protocol now will include only a number of principles. We have drafted this protocol mentioning a number of principles. I would like to hear your views.

Dr. Kissinger: Can I see the protocol?

Ambassador Sullivan: Yes, I have it.

Dr. Kissinger: Oh, that is the one. I thought you had a new one.

Le Duc Tho: No, we gave you one.

Dr. Kissinger: But that had a sum in it.

Le Duc Tho: A new one, which supersedes the old one in December. Only basic principles. [Dr. Kissinger reads Tab D, DRV draft of January 10.]

Dr. Kissinger: You consider \$5 billion a principle? [Tho laughs]

Le Duc Tho: I will discuss it with you. Previously we agreed on the rough amount of \$3 billion, but the recent bombings created a great deal of material and human losses. We can say that the losses caused at that time was one-third of the damages caused since the resumption of the bombing. This is our proposal and we will discuss it. And I think that the \$5 billion amount is something reasonable.

Dr. Kissinger: And logical. [Tho laughs] You should try that before a Congressional committee sometimes. But let me explain our difficulties. First, just looking through this protocol. Your saying that something is not a protocol attached to the agreement does not necessarily make it so. Where you say "in implementing Article 21, Chapter VIII, of the Agreement," that clearly makes it part of it. I mean, I just give you as an example. Now Article 1, "the contribution by the Government of the United States is made without conditions attached," that is all right. But "without repayment," that is technically impossible, although we can arrange the payment in such a way that it has no very immediate consequence. It is very difficult to put into an agreement but in practice this can be handled.

Now Article 2, for the reasons we gave you, is impossible.

Article 3, "the contribution of the government is used for the reconstruction of installations damaged during"—we can say "for the economic development of Vietnam." And even the word "reconstruction."

Article 4, the mechanics of how we should contribute this, this is really something we should discuss. We have some ideas on this subject. And we are not sure that this is necessarily the best way of doing it. This we should discuss. I may give you a paper tomorrow of a possible approach to it.

Article 5 in principle is agreeable. Article 6 we have no trouble with.

Now the question is how do you visualize getting this signed? Who is supposed to sign it, and when?

Le Duc Tho: I think that since the two Foreign Ministers will be available here, they will sign privately—separately. They will sign separately from the signing of the agreement. Separately between them.

Dr. Kissinger: For the reasons we gave you, and frankly for availability of Congressional . . . anything we do will have to be voted by Congress. Now Congress in our judgment will not vote anything for what looks like reparations. But we are quite sure it will be prepared to vote some considerable sums for reconstruction, if it is in the context of our new relationship.

Now as I told you yesterday it is in our own interest that our postwar relationship be done on a positive basis, and we realize that this reconstruction program is an important element in it, a key element in it. So in practice you will not have any major difficulties with it—any difficulties with it. The problem is how best to proceed. I would rather give you a statement, which is not signed, of our intentions in this respect, in the form of an understanding. Because this will have absolutely no legal force even if we were to sign it.

Le Duc Tho: We think that since we have concluded the agreement and in the agreement there is a provision regarding the healing of the wounds of war in the DRV, therefore I think that we both here should preliminarily agree on some principles of this question, and then afterwards we will discuss them in detail. And then when I raise this question, I put it in the framework of the normalization of the relationship between the DRV and the US. Moreover, the reconstruction of North Vietnam and the healing of war wounds in the DRV is thought about, is put in this framework. And even when the war is still going on, the war is not ended yet, there are many countries which are not socialistic countries and they have collected money up to hundreds of millions to help us without repayment at all. And moreover, in our previous conversations on many occasions, you told me that the U.S. would contribute roughly \$3 billion without repayment. I think this is one of your responsibilities after ten years of war. And when I put in the draft protocol the words “without repayment,” I only repeat your words. And the amount you suggest to me is roughly \$3 billion. Now I speak this amount because of the recent damages, losses, and we can discuss—the recent bombing.

Dr. Kissinger: \$2 billion worth? I did not know it was that effective.

Le Duc Tho: Because if you count the losses, the human beings that were killed or wounded, then there was no amount that can heal this.

Dr. Kissinger: We have several problems here. I told you from the beginning I did not even want a reference to it in the agreement. The Secretary of State cannot sign such a protocol on the same day and in the same context that he is signing an agreement to end the war.

Le Duc Tho: If now you disagree to such a document, then what form of agreement would you suggest and when would it be signed?

Dr. Kissinger: What I would suggest is: I would give you a statement tomorrow of an understanding of what we intend to do. I am trying to proceed practically, so that you can actually get the money. What would work best with the Congress is if I give you an understanding tomorrow. Then when I am in Hanoi, set up an economic commission. If then that economic commission within a very short time makes a specific recommendation of a sum which we could privately have an understanding on, then you would have a very good chance of an enthusiastic support. And we have no interest here in cheating you, because we know how much in our relationship depends on it and it is in our own interest. But as a practical matter this is the best way to proceed.

Le Duc Tho: Now the war in Vietnam was waged over ten years, and I think that if now the war is ended you have some responsibility to contribute to the reconstruction of the DRV. I think it is some natural responsibility of yours, because even countries not waging this war have contributed rather considerable sums to help Vietnam, but now the war in Vietnam has lasted over ten years causing so many destructions and damages to our country. Therefore I think that it is an obligation of yours to contribute to the rehabilitation of North Vietnam. So your statement does not satisfy me at all. Once you referred this question to me by the end of 1971, and recently you referred to it once again. And the paper I gave you just mentioned a number of principles only. As to the specific amount I propose to you, you once again suggest to me a concrete amount. But this amount I put in the paper for discussion, for the purpose of discussion.

As to the document, if you disagree to that then we can discuss it and we should have some official paper, some kind of official paper mentioning the principle and then we will discuss the principle later. And I put this question in the framework of our new relationship; in this spirit of thinking about our future relationship I have raised this question.

Dr. Kissinger: Mr. Special Advisor, there is no question that we will contribute to your economic reconstruction. There is also no doubt in my mind that within a very short time we will be the largest contributor to your reconstruction. But this is a difficult psychological problem for us as well. We don't disagree with you as to the outcome. But our people have been fighting the war. We still have prisoners in your country. It would not be understood if we make a formal obligation as part of a settlement to end the war.

Le Duc Tho: Now you have misunderstood me. I do not want it to be a part of the agreement at all.

Dr. Kissinger: No, I understand, but if it is signed by the Secretary of State on the same day that he is signing the agreement to end the war and on a trip that he has made specifically to sign that agreement, that distinction would never be understood. And since our Congress has to vote this money we have to find procedures which make it most probable. Now what I would like to do is to give you tomorrow a statement of our intentions, a written statement of our intentions.

Le Duc Tho: If it is agreed to a protocol, can we have an exchange of notes between us both, both of us?

Dr. Kissinger: Let me draft a statement and then see in what form we use it. But it is really in your interest. First, no matter what we put in such a statement, even if we sign this protocol—you ask any American expert you have—if we don't want to do it we can prevent the Congress from passing it. But we wouldn't have to try to prevent them. They would do it automatically. But I am telling you we want to do something. I have told you many times that the best guarantee for this agreement is an improvement in our relations. The best way to turn away from war is to reconstruct the countries of Indochina—although I understand some of your neighbors think you are going to be too efficient in that. So we have every intention of doing something substantial. It is our firm intention, and now the question is how we can most efficiently implement it. And in order to implement it most efficiently it is important to create the best possible atmosphere for it in America. And let me consider tonight how to do it and I will make a specific proposal to you.

Le Duc Tho: I agree to that but let me ask you a few words before we adjourn.

Dr. Kissinger: Please.

Le Duc Tho: We envisage your responsibility to heal the wounds of war in our country after over ten years of war is an important question, and I have expressed my views on that subject on many occasions already. The implementation of the carrying out of this question will be important to the implementation of the agreement and to our future relationship.

Dr. Kissinger: I understand.

Le Duc Tho: Therefore I think that for the time being if we can't make a protocol on that question then at least we should have some exchange of notes reflecting the principles of this question. It is the least we should have. I will pay attention to what I have told you.

Dr. Kissinger: I understand what you are saying, Mr. Special Advisor.

Le Duc Tho: And I would like to add also that on the basis of this exchange of notes then we will discuss it in detail when you go to

Hanoi. And on the basis of this note too, on the basis of these principles mentioned in this note, we will prepare for everything to be discussed when you go there. And after we have agreed on many other questions then we can come to an agreement.

Dr. Kissinger: Let me first say we have no difficulty with your basic principle. We recognize the close relationship between the efforts of reconstruction and the future stability of Indochina. And it is our intention, I can repeat again very seriously, to make a major effort. But you should pay attention to the framework of peace within which this is conducted, that makes it important for us to prepare our public opinion correctly. And it is with this in mind that I will try to phrase and put before you a document. We can then decide whether to make it an exchange of notes or how to handle it. I don't exclude an exchange of messages; that is possible if we phrase it properly.

Le Duc Tho: So we will discuss it tomorrow.

Dr. Kissinger: Good.

Le Duc Tho: And on the basis of these principles . . .

Dr. Kissinger: But not on the sum. No sum can be mentioned.

Le Duc Tho: And on the basis of your agreement in October then we will discuss in detail in Hanoi.

Dr. Kissinger: All right.

Le Duc Tho: As you said to me on that question by the end of 1971 and once again you said it in this year, 1972, and on the basis of these assertions we consider it as an element of our negotiations here. So whatever you will put in the paper it is something significant. And it is an exchange of notes, I understand that.

Dr. Kissinger: But I have always said that it had to be separated from the agreement itself and in more than just a technical way. And you will see, when you come to understand us better, that this is done in your interest as much as in ours. We would like to be in a position when we present this agreement to the Congress not to have to discuss the specific issue of economic assistance. But to make all the preparations to implement the economic assistance. We know you consider it an integral element, and we know how much depends on it. And you will have no problem with us on the practice of it. We are really now talking about the form. We will be very serious about it.

Le Duc Tho: As to the procedure in your Congress of how you will deal with it practically, it is another matter. Here I would like to say that we want in some form an exchange of notes, and in this note there will be mentioned the principles of this question as I have told you and some specific amount that you have mentioned to me. On the basis of this we will carry out the question. But moreover we will have to discuss this question when you visit Hanoi and then we will discuss

this question in detail and how to proceed. Because without this note of principle and specific amount then how we should prepare to implement this?

Dr. Kissinger: All right, let me consider this and find some way of meeting some of your concerns. But you please keep in mind that the end result we are agreed upon; it is really a question of how to do it.

Le Duc Tho: Yes, I agree then. If you agree to these principles, then the simplest way to do is to have an exchange of notes and to record what we have agreed to and on the basis of this note we will proceed.

Dr. Kissinger: Well, let me think about how to do this because this is something we will have to testify to when we ask for the money.

Le Duc Tho: And I take note that you said you would pay very great attention to this question.

Dr. Kissinger: I will pay very great attention.

Le Duc Tho: And even so, the simplest way is to have some exchange of notes because without it there is no evidence of your serious intention.

Dr. Kissinger: Well, this is what you think, but it is important how we present things to Congress. Because things we do by executive action have no problem with formality, but things that have Congressional action attached to them will involve a great deal of testimony and therefore we have to think about how to do it in a very concrete way. And therefore we will make specific proposals to you. But you have been very certain that we are paying great attention to what you are saying.

Le Duc Tho: You are always referring to the American Congress. But we have discussed this question as early as October 1971 and you told me very concretely in this question and then you referred to it again in October 1972, and I have explained to you on many occasions that this question is related to many important questions in the process of our negotiations of the agreement, and I think that the best way to do is to have a note from you and on the basis of this note we will have further proceedings.

Dr. Kissinger: Let us look at the note tomorrow. There is no sense to discuss it now theoretically. It is one of the few questions where we agree. I don't deny what I said to you in October. I maintain it.

Le Duc Tho: Tomorrow we will discuss it, but before that I would like to remind you that you should pay great attention to this question. And once we have completed the agreement, once we will open up a new period in your relationship, this is the one question which will evidence whether really we have a new relationship or not.

Dr. Kissinger: I agree completely.

Le Duc Tho: I propose now we adjourn and meet again tomorrow.

Dr. Kissinger: Mr. Special Advisor, there are many things you know better than I do, but handling the American Congress, I don't think your training has prepared you before. It cannot be done by guerrilla methods. [Vietnamese laugh]

Le Duc Tho: I am always thinking that you have already had something in mind on this question. The American Congress should have already something in their mind on this question.

Dr. Kissinger: The American Congress never has anything in its mind, and our problem is not to put anything in their mind until we are ready or they will give us the wrong answer. Study sometime the complicated maneuvers that were needed to get the Marshall Plan, and the Marshall Plan was with European allies. But let me draft a note tonight and show it to you tomorrow. Maybe you will be delighted with it. [Tho laughs] And I am certain in any event that of all the provisions of this agreement—this is not a provision of the agreement—this will certainly be in full operation within several months in a very satisfactory way and this will present us no difficulty—if you have a minimum of confidence and let us manage it. This is the easiest part of the agreement to implement if we do it the right way, and the hardest if we do it the wrong way. There is no problem with it if you let us do it our way. I should make clear it is not the easiest part of the agreement—the easiest part of the relationship.

Le Duc Tho: No, it is not correct to consider it as part of the agreement; if so we would have put it as a protocol, but we put it in the framework of the relationship. Therefore I would propose to put it as a note between us.

Dr. Kissinger: I think I understand the Special Advisor.

Le Duc Tho: At least a note. Tomorrow we may conclude our negotiations. But if we leave this question also I am very dissatisfied.

Dr. Kissinger: I wouldn't want to have the Special Advisor dissatisfied. There is no telling what he or the Minister would say on television. [Tho and Xuan Thuy laugh] But Mr. Special Advisor, you must have on some questions a minimum of confidence. And let us discuss it again tomorrow. I repeat to you, it is a question that will be settled satisfactorily as our relationship develops. It will be the first item on our agenda.

Le Duc Tho: But if we can reach what I have just said it is also the first step of our good relationship.

Dr. Kissinger: I think I have understood the Special Advisor.

Le Duc Tho: At what time shall we meet again?

Dr. Kissinger: May I suggest perhaps 9:30, just in case there are any problems? And then we discuss this issue, whatever emerges from the language discussion, and we have to look at the Preamble and

Article 23 just to be absolutely sure we have it right in the agreement. And the two issues in the protocols. The schedule, just to review it.

Le Duc Tho: Then in the initialing and the official signature.

Dr. Kissinger: We will do as we discussed, on the 23rd initialing, official signature on the 27th.

Le Duc Tho: So we have agreed. But tomorrow we will repeat everything again to be certain that the agreement will be signed by two parties and by four parties, one in the morning, one in the afternoon. We will repeat everything to be sure.

Dr. Kissinger: What I find so moving is that after four years of contact the Special Advisor has total confidence in me.

Le Duc Tho: And we also have to discuss how the Kleber session will be wound up.

Dr. Kissinger: Yes, and for the Minister we will produce all our Ambassadors whom he destroyed, with their medical advisors. We will wheel them in in front of the Minister.

Le Duc Tho: Because after the initialing and after the signature of the agreement you should discuss how the Paris conference should be wound up. Minister Xuan Thuy said we should have a meeting here and all Ambassadors should be present, and then we will be prepared to wind up.

Dr. Kissinger: That would be a moving confrontation. The Conference would go on forever because then they will never agree to wind it up. They have never agreed on anything else.

May I suggest one other thing? Perhaps the experts should also come to our place tomorrow. We have the extra room so that we could shift back and forth quickly. So everybody comes.

Le Duc Tho: All right.

Dr. Kissinger: I think perhaps on Kleber, that is a good idea. We will wind it up sometime shortly after the signing. [Xuan Thuy laughs]

Ambassador Sullivan: Maybe we can blow up the building. Public property.

Le Duc Tho: But how to wind up.

Ambassador Sullivan: Saboteurs.

Le Duc Tho: And the Ambassador and Mr. Thach should also discuss how to inform the member countries of the International Commission when they will be present on the spot.

Dr. Kissinger: Now as to transportation you will go separately.

Le Duc Tho: Separately.

Dr. Kissinger: And have you agreed whether you will both smile or you will both look serious?

Ambassador Sullivan: There is no peace out there.

Dr. Kissinger: I am going to leave Mr. Lord and Mr. Engel. I will take Mr. Rodman with me.

[The meeting ended at 4:15.]

47. Memorandum of Conversation¹

Paris, January 13, 1973, 9:48 a.m.–4:55 p.m.

PARTICIPANTS

Le Duc Tho, Special Adviser to DRV Delegation to the Paris Conference on Vietnam

Xuan Thuy, Minister, Chief DRV Delegate to Paris Conference on Vietnam

Nguyen Co Thach, Vice Minister for Foreign Affairs

Phan Hien, Delegation Member

Trinh Ngoc Thai, Delegation Member

Nguyen Dinh Phuong, Interpreter

2 Notetakers

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs

Ambassador William Sullivan, Deputy Assistant Secretary of State

Winston Lord, NSC Staff

David A. Engel, NSC Staff, Interpreter

Peter W. Rodman, NSC Staff

Miss Irene G. Derus, Notetaker

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 866, For the President's Files (Winston Lord)—China Trip/Vietnam Negotiations, Camp David Memcons, January 8–13, 1973 [January 23, 1973]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at La Fontaine au Blanc, St. Nom la Bretèche. All brackets, except where noted, are in the original. The tabs are attached but not printed; on Tabs A, B, C, see Appendix 3.

After the meeting, Kissinger informed the President: "We confirmed the final texts of the agreement and all associated understandings, and settled all the remaining issues of principle in the protocols." Repeating what he had said many times before to Nixon, Kissinger made clear: "The problem now of course is in Saigon." To that end, he and others were making every effort to persuade Thieu to accept the settlement as negotiated. For example, he continued:

"I had a very useful session with Thieu's envoys, former Prime Minister Do and former Ambassador to the U.S. Diem, last evening. They had also gotten the right messages from Capitol Hill. Diem is returning to Saigon and their report should be of help. We have also provided Bunker with argumentation about the agreement, which I used here as well with the South Vietnamese, in order to start paving the way for Haig's mission." (*Foreign Relations*, 1969–1976, vol. IX, Vietnam, October 1972–January 1973, Document 276)

The Capitol Hill reference is to Nixon's directing Kissinger to get prominent conservatives and supporters of South Vietnam in the Senate—Republican Barry Goldwater (*Footnote continued on next page*)

Dr. Kissinger: We gave you the view on the golf course.

Le Duc Tho: An aura.

Dr. Kissinger: I thought the Minister was going to wear that elegant tie today.

Xuan Thuy: I will reserve the tie for a solemn moment.

Dr. Kissinger: But it has to be the initialing because I may not be here for the signing.

Xuan Thuy: Yes, I will wear it at the initialing.

Dr. Kissinger: Ambassador Sullivan said to me last night that we are running into a terrible dilemma for negotiators. Even with our cantankerous nature we are running out of issues. And we may be doomed to come to an agreement today.

Le Duc Tho: I think that there are very few questions left for Ambassador Sullivan.

Dr. Kissinger: We have the following problems.

I promised the Special Adviser that I would make a proposal to him today on how to handle the question on economic reconstruction. This is not a question of substance, because we have agreed in substance. And it is a question of reconciling the necessities of our Congress with the suspicious nature of the Vietnamese. [Laughter] We will make a specific proposal to you in a minute.

On the Agreement, we have the Preamble of the two-party document and the conclusion and Article 23. On the Preamble, just to save time, I accept “with the concurrence of” and I withdraw “in concert with”. It is a sign of good will. Normally I would sell it one word at a time. [Laughter] That is what the Special Adviser would do.

Le Duc Tho: Article 23. But you are still going on speaking.

Dr. Kissinger: On Article 23 we have given you the texts yesterday and we think they are adequate. We have no additional suggestions. Then we have a few minor language problems that came up yesterday. On Vietnamese civilian prisoners, I have the impression that Ambassa-

from Arizona and Democrat John Stennis from Mississippi—to say publicly that the settlement was good for South Vietnam and that President Thieu should accept it. See *ibid.*, Documents 294–297. “Haig’s mission” refers to Haig’s trip to Saigon where he was to see President Thieu on January 20. According to Haldeman, President Nixon explained how Haig should carry out this task:

“His [the President’s] strategy there is to keep the whole approach with Thieu on our terms, and we don’t want to appear to be begging, especially on the record. The P made the point that Haig must take a very hard line on Thieu, that he’s here only as a messenger, not to negotiate, that the P has been totally in charge of all this, and he will go ahead regardless of what Thieu does.” (*The Haldeman Diaries*, Print Edition, p. 569)

Haig met with Thieu in Saigon on January 18 and 20. For his reports on the meetings, see *Foreign Relations*, 1969–1976, vol. IX, Vietnam, October 1972–January 1973, Documents 292, 310, and 311.

dor Sullivan and Minister Thach came to an understanding yesterday, but we should discuss it just to make sure.

Mr. Thach: We are nearer to each other.

Dr. Kissinger: Well, we will just discuss it this morning. I am just going through the list of topics.

On how to fix the ceasefire, we have a suggestion of one sentence. And then, as I understand it, the Special Adviser wishes to read a statement to me fixing the schedule, which I shall initial in blood. [Laughter] And that I believe covers our work program for today. Am I correct, Mr. Special Adviser?

Le Duc Tho: Regarding the healing of the war wounds, we will discuss it.

Dr. Kissinger: Now. I am prepared.

Le Duc Tho: Now regarding the Agreement there are only two points. First, on the word "with concurrence of"—you have agreed to it.

Dr. Kissinger: I have agreed.

Le Duc Tho: As to Article 23, you have amended it for the two-party signing and four-party signing. I agree with you.

Dr. Kissinger: So that is settled.

Le Duc Tho: There is only one point I would like to add.

Dr. Kissinger: It has to be signed by the President of the United States.

Le Duc Tho: You have proposed "the representatives of". I would like to say "the plenipotentiary representatives of", so that they have full authority.

Dr. Kissinger: Let me check with our lawyer. It is something normal in all signing of agreements. It is a legal question.

Mr. Thach: Nothing in it. In Geneva in 1962 they used this word.

Dr. Kissinger: It sounds all right. But may I just check it with our lawyer during the break?

Le Duc Tho: [Laughs] Please check it. So regarding the Agreement, it is finished now.

Dr. Kissinger: Let me ask one thing about the Agreement. Why do we need a two-party document if we have a four-party document?

Le Duc Tho: The two-party signing is between us and it reflects more fully our responsibilities. And it is a good thing, because there are points which can be said in the two-party signing but which cannot be said in the four-party signing, so it reflects our necessity.

Dr. Kissinger: Does anyone know what the Special Adviser is talking about? [Laughter]

Le Duc Tho: But you understood it.

Dr. Kissinger: So you consider it essential. All right. So I agree and we can consider the Agreement finished.

Le Duc Tho: Now regarding the signing ceremony I would like to speak a few words, because it is necessary with some formality as normal. But in the morning will be the two-party signing ceremony and in the afternoon the four-party signing ceremony. It is something necessary.

Dr. Kissinger: We could also reverse it and have the four-party in the morning and the two-party in the afternoon.

Le Duc Tho: All right. And we should make it solemn by having cameramen, photographers and journalists.

Dr. Kissinger: All right, we agree.

Le Duc Tho: And Minister Xuan Thuy will attend the ceremony.

Dr. Kissinger: Attend? I am told he hasn't decided yet whether to be at the ceremony or to be a commentator. [Laughter] He will be very noticeable.

Xuan Thuy: And you should also invite the former American ambassadors to that ceremony.

Dr. Kissinger: I mentioned to the Special Adviser that we are thinking of doing this, but, if I may be frank, the relationship between our administration and Ambassador Harriman has not yet reached the level of national reconciliation and concord. But I will tell the Special Adviser that I will do my utmost to promote this attendance within the two-week period. [Laughter]

Xuan Thuy: And I think that if you should invite Ambassador Harriman to that ceremony, Ambassador Harriman would think the word "don doc" is most necessary.

Dr. Kissinger: I really think that the Minister wants to meet Mrs. Harriman after all I said to him about her. [Laughter]

Xuan Thuy: It would be a good thing if Ambassador Harriman could bring his wife. I only knew the former Madame Harriman.

Le Duc Tho: But I reveal to you a secrecy: Minister Xuan Thuy has composed a four-verse poetry in honor of Ambassador Harriman but he kept it secret at the moment of Mr. Harriman's marriage. [Laughter]

Dr. Kissinger: Can it be read in mixed company? [Laughter]

Xuan Thuy: No, I only reveal the poem when I meet him. I would like also to meet Ambassador Cabot Lodge, Ambassador Bruce and Ambassador Porter to send them my greetings.

Dr. Kissinger: I have not had a chance to discuss this with the President, but we agree that it should be a solemn occasion. Now normally there are no speeches at a signing ceremony. I don't know whether the Minister will attend under those conditions. [Laughter]

Xuan Thuy: I am prepared but I can assure you I make no speech.

Dr. Kissinger: Do we agree no speeches?

Xuan Thuy: No one will make speeches on that day. But say only a few words to greet the success of the negotiations. But outside.

Dr. Kissinger: Oh, outside. But could you avoid the words "victory" and "war of aggression?" [Laughter]

I think we should begin with an attitude of conciliation. It will be a very solemn day in America, and I am sure in Vietnam even more, and I think we should begin with an attitude of generosity and warmth toward each other.

Le Duc Tho: I think you are right. At the four-party signing ceremony we should reflect the sense of solemnity and the sense of reconciliation.

Dr. Kissinger: In contrast to the two-party signing? [Laughter]

Le Duc Tho: I think that at the two-party signing ceremony then the reconciliation I must say is easy to achieve. And the success we have achieved here reflects this reconciliation.

Dr. Kissinger: Yes, I think between our two countries it will be much easier, and between the Special Adviser and me it has already been achieved. [Tho nods yes.] Our view is that the very formal ceremony is the four-party ceremony; that we can be somewhat more informal at the two-party ceremony.

Le Duc Tho: I think that it should be the same, with cameramen, journalists, photographers at the two signing ceremonies. Some solemnity in it.

Dr. Kissinger: Only you don't know our press. And I find the combination of the word "solemnity" with the presence of our press not necessarily consistent. [Laughs] All right, we can have the protocol people discuss the arrangements. [Tho nods yes.]

Now as to the meeting on the 23rd, no preparations should be made until we have made the announcement. At Avenue Kleber. And I don't think the French should be told until Friday, until the 19th.

Le Duc Tho: When we inform the French, your side and our side will do it at the same moment. We will agree on that.

Dr. Kissinger: All right. How can we do it at the same moment?

Le Duc Tho: Or you can do it before us.

Dr. Kissinger: All right.

Le Duc Tho: On the same day I mean.

Dr. Kissinger: On the same day we do it. On the same day. Yes, we will have our Chargé see Schumann and you whoever you see. We will tell him nothing, but he will, I am sure, contribute a great deal! We will not tell him that we plan to initial the Agreement on that day;

we will just tell him we want to meet there. We should announce the initialing afterwards. We will definitely initial it on that day. I have told you and there will be no delay. And there will be no change.

Now then I propose that starting on the 23rd our protocol officials get together to arrange the signing ceremony. Or maybe even the 24th would be better.

Le Duc Tho: On what day should we inform the French?

Dr. Kissinger: On the 19th. On the 19th we inform the French that we shall use Kleber on the 23rd.

Le Duc Tho: Between you and I.

Dr. Kissinger: For our meeting, and then on the 24th we should inform them that we would like to use, I suppose, Kleber on the 27th for signing.

Le Duc Tho: So we will initial on the 23rd.

Dr. Kissinger: Without fail.

Le Duc Tho: The protocol people will get together to discuss the initialing ceremony.

Dr. Kissinger: All right. Sullivan will handle it for us. Sullivan and Thach. But we keep it secret.

Le Duc Tho: Yes, both Mr. Sullivan and Mr. Thach will be there.

Dr. Kissinger: And we have only official photographers, just like the ones we have arranged. You bring two; we bring two—one camera and one film. And we then decide on the release.

Le Duc Tho: But on your side how many people will attend?

Dr. Kissinger: On Tuesday?

Le Duc Tho: On the 23rd.

Dr. Kissinger: This group, plus Negroponte and Aldrich.

Le Duc Tho: And on our side those people, but we will discuss in details a little. So we leave this question to Ambassador Sullivan and Minister Thach.

Mr. Thach: Because we have to prepare the document to be initialed.

Mr. Sullivan: It may take us four months to agree on the shape of the table. [Laughter]

Dr. Kissinger: Do we have to number the pages for initialing too? [Laughter]

Le Duc Tho: Now, shall we now discuss the understandings? A few words?

Dr. Kissinger: All right, we are agreed now on the Agreement with the only exception being that I will discuss the word “plenipotentiary.”

We have one more translating problem about the Agreement, in your translation of Article 13. It is the only unsettled question. In

English it says "Among the questions to be discussed by the two South Vietnamese parties are steps to reduce their military effectives and to demobilize the troops being reduced." You have "Among the questions to be discussed is the question of steps," and that doesn't make any sense. I mean the question to be discussed is the question. So we just say "are steps."

Le Duc Tho: I agree.

Dr. Kissinger: All right. Now the Agreement is finally completed.

In the Special Adviser's favorite section, Chapter VI on International Control, this issue arises the same way, and wherever Article 13 is mentioned we phrase it the same way. It is just to conform it. All right?

Le Duc Tho: I agree.

Dr. Kissinger: Fine. Now, Mr. Special Adviser, about the understandings.

Le Duc Tho: We have finished the Agreement now.

Dr. Kissinger: Except for the word "plenipotentiary" which I think is all right but I want to get legal advice.

Le Duc Tho: Regarding 8(c).

Dr. Kissinger: In the text? [Laughter]

Le Duc Tho: In the understandings.

Dr. Kissinger: You want to reduce it to 60 days?

Le Duc Tho: It is only the phrase you use in your draft "in the framework of national reconciliation and national concord." We would propose to write "in keeping with the spirit of national reconciliation and concord." The reason is that it has been used in the Agreement. Secondly, your formulation is not clear and difficult to understand. "In keeping with the spirit of national reconciliation and concord," "in the spirit of national reconciliation." Article 8(c).

Dr. Kissinger: All right, we will say "in the spirit of national reconciliation and concord." That makes it the same as the Agreement.

Le Duc Tho: Now regarding the American civilian personnel.

Dr. Kissinger: Wait a minute. He moves so fast. I just—are we then assuming—is Article 8(c) now finished? [Laughter]

Le Duc Tho: Finished.

Dr. Kissinger: Should we have a minute's silence to commemorate this event? It is a very solemn occasion.

Le Duc Tho: But after the Agreement is signed you and I will keep recalling Article 8(c)!

Dr. Kissinger: I can never forget. Let me just sum up. On this understanding, yesterday—I appreciate that the DRV side insisted on

including my full title, for which my father thanks you. [Laughter] And that we say “in the spirit of reconciliation.” We will get it typed and hand you a copy. [As changed and retyped, Tab A.]

Now I can no longer put off the evil day. Article 5.

Le Duc Tho: Now regarding the understanding on Article 5, I keep what we have been agreed to and drop “all other foreign countries.”

Dr. Kissinger: So we say “all its civilian personnel.” We will get that retyped just to make sure it is exactly right. [As agreed and retyped, Tab B.]

Le Duc Tho: Now the written understanding on the aircraft carriers. It is the word “The U.S. intends,” the word “intends.”

Dr. Kissinger: I have to explain this. We read this to you and you accepted it, and the reason for it is that it preserves that our record shows our not having undertaken a formal obligation. The reason we do this is our legal position in relation to other countries. It does not affect our obligation to you.

Le Duc Tho: I think that this understanding is referring to North Vietnam, but after the end of the war, after the cessation of the bombing, then you will pull out all these aircraft carriers from the shores of North Vietnam. Because in the Vietnamese language the word “intend” means it does not yet become an action; it only in the mind.

Dr. Kissinger: We have two separate problems. In English it is perfectly clear that we will do it. We can move the phrase—I understand your complex mind on this—we could say “The U.S. side states that it intends to station its aircraft carriers at least 300 nautical miles from the coast of North Vietnam after the withdrawal of its forces from Vietnam.” So the intention begins today.

Le Duc Tho: [laughs] Well, in any case even if you put after 60 days but if you use the word “intend,” it is only an intention; it is not yet a decision, because after 60 days you have this intention.

Dr. Kissinger: No, we have the intention now to do it after 60 days.

Le Duc Tho: But I propose to write simply “will station.”

Dr. Kissinger: Have you discussed with the Chinese that this puts them in the territorial waters of Hainan Island? [Laughter]

Mr. Thach: Because Hainan is still within 300 miles.

Dr. Kissinger: But the other side of it. [To Sullivan:] They have already figured it out.

Le Duc Tho: So, shall we propose that it “decides to station its aircraft carriers at least 300 nautical miles from the coast of North Vietnam after 60 days?”

Dr. Kissinger: How about “plans?” For us it is an important legal problem of national policy. It has nothing to do with what we will do

with respect to Vietnam. We have this important international conference on the Law of the Seas, and we have important fishing interests in Latin America. And we have not recognized the right of undertaking a legal obligation with respect to anything outside territorial waters, and—I am being very frank with you—we do not want to prejudice our position at this international conference with respect to this particular statement. This is our concern. [They confer.]

Le Duc Tho: So can I propose this now? We do not use the word “intend” nor the word “decide,” but we propose that now “The U.S. side states after the withdrawal of its armed forces from South Vietnam, to station its aircraft . . .”

Dr. Kissinger: That doesn’t work in English. Look to us it’s entirely a legal problem. It’s not a substantive problem. Can we reserve it until after the break? I want to discuss with Mr. Aldrich and I want to discuss what the implication is. And may I suggest to the Special Adviser what he said to me about the Vietnamese word “se” [on December 12] “se” you don’t know when the future begins. [Laughter] I just want him to know that I am paying attention.

Le Duc Tho: So you have very good memory.

Dr. Kissinger: We will settle it right after the break.

Le Duc Tho: Now I would like to remind you of the Lao question. I will carry out what I have told you. But I would like to say that you should also tell your ally to respect the Agreement, because if, after the ceasefire, your ally will start attacks against our ally then the war will be resumed.

Dr. Kissinger: I do not have the impression that excessive bellicosity is a disease of the Lao, but I don’t know what your experience has been. I will tell the Special Adviser, however, two things. One, after our private conversation the other day we have used our influence with our friends in Laos in a constructive direction in these talks. And secondly, we will use our influence with our friends in Laos to observe the ceasefire strictly after an agreement is reached.

Le Duc Tho: It is what I expect.

Dr. Kissinger: You can count on it.

Le Duc Tho: I agree then. So now we have finished with the understandings except the word “intend.”

Dr. Kissinger: Yes.

Le Duc Tho: Now shall we come to the protocols?

Dr. Kissinger: Which protocol?

Le Duc Tho: The determination of the zone of control. As to the visit to the detention camp, I think we should leave it to Ambassador Sullivan and Mr. Thach.

Dr. Kissinger: All right. They are already approaching a formulation that no one can possibly understand. They are invoking Article 26(b) of the Treaty of Westphalia. I agree. I think they are close to an understanding on it.

Mr. Thach: But Ambassador Sullivan should go a little further.

Dr. Kissinger: He shall make a little effort. And if he makes a little effort and you make a little effort I think you can solve the problem. [Laughter]

Le Duc Tho: Now Ambassador Sullivan go a little further and Mr. Thach will go nearer to it, then a settlement.

Dr. Kissinger: Our impression is, Mr. Special Adviser, that your assistant on this end is very difficult. [Thach and Tho laugh.] No, I think they are approaching an agreement and if there should be any last-minute problem the Special Adviser and I can exchange messages.

Le Duc Tho: I agree.

Dr. Kissinger: On Article 7 of the protocol on the ceasefire and Joint Military Commission, we agree with your idea that the local commanders should meet to determine the implementation of Article 3. The Two-Party Military Commission and the local commanders. They left something out in the draft we gave you. We think that the implementation of Article 3(b) of the Agreement should be determined by the Two-Party Joint Military Commission and the local commanders. So we agree with you on that. But we think there should be one sentence added, that we think is important, which is: "Among the criteria to be used in determining such areas of control shall be information provided by local commanders with respect to the strength, location, and deployment of the armed forces under their control." [Mr. Kissinger repeated the above.] "Among the criteria to be used in determining such areas of control shall be information provided by local commanders with respect to the strength, location and deployment of the armed forces under their command."

Le Duc Tho: I think that from military point of view regarding the determination of zone of control we should leave to the discussion of the local commanders, so that they will discuss the modalities of stationing to avoid clashes or contact between their units. But from a military point of view I think it would be difficult for us to decide here that they should exchange information on strength, location, and deployment of forces under their control. I think that the Geneva Agreements of 1962 on Laos provide for the same measures, with a view to avoid clashes between opposing forces.

Dr. Kissinger: As I told the Special Adviser yesterday, I have the nightmare that 10 years from now this Agreement will be cited with the same intensity as the 1962 Agreement and only he and I will know

how it was arrived at. [They laugh.] Mr. Sullivan said when you have conquered southern China you will fix the lines according to these principles. [They laugh. Kissinger says to Sullivan: They think it's quite feasible!] Now I think we should just give some criteria. What the precise information is—that should be exchanged. Mr. Sullivan is under the illusion that your colleagues might agree to something you don't approve. [Laughter] I have a clearer idea of the influence of a member of the Politburo.

Le Duc Tho: Shall we also now agree that the parties will rely on Article 3 only and then the parties will base themselves on the Article for further details?

Dr. Kissinger: Except the difficulty is they will have absolutely no criteria which to apply. Now I can agree to a very general formulation. It doesn't have to be so specific about units and insignia and precise numbers, but I think we should have one sentence that says "shall be [*determined by*]² information with respect to the location and deployment of the armed forces under their command." So we do not ask for all the detailed information.

Le Duc Tho: But if they have to reveal their location and their position then it is detailed already.

Dr. Kissinger: Well how are they going to determine control? Or are we going to have so-called areas of control with so-called forces?

Le Duc Tho: Now I think that they will determine the zones of control and then they will decide on modalities of troops stationing to avoid conflict.

Dr. Kissinger: But how are they going to do it?

Le Duc Tho: They will discuss the criteria and it is easy to define the zones of control.

Dr. Kissinger: How? Just for my understanding, when they meet in a spirit of concord, how will they determine who is where?

Le Duc Tho: Let them discuss the criteria of the zones of control.

Dr. Kissinger: Of course I have the impression, which may be mistaken, that they will not immediately agree on the criteria.

Le Duc Tho: They will have to discuss, and moreover when they are on the spot they are in the real situation, they will see more clearly than we here.

Dr. Kissinger: Let me reserve this until after the break. Now your point is—let me understand what your point is. Your point is to drop the whole Article 7 and to base ourselves on the Agreement.

² Bracketed insertion supplied by the editor.

Le Duc Tho: Drop our Article 7 and your Article 4 and then we will stick to the Agreement.

Dr. Kissinger: And we will say nothing about the Two-Party Commission and its terms of reference. That is your proposal.

Le Duc Tho: We will drop our Article 7 and your Article 4, then we will stick to the article of the Agreement and we will carry it out.

Ambassador Sullivan: 3(b).

Dr. Kissinger: Let us hold it until after the break. At any rate, your proposal is to drop in the protocol any discussion and base ourselves on Article 3(b) in the Agreement.

Le Duc Tho: Let me think it over.

Mr. Thach: We will base ourselves on the Agreement.

Dr. Kissinger: Let us both think it over during the break. Do we have any other problem except that?

Mr. Thach: Just sentence that that the Joint Commission should base itself on Article 3(b) to implement it. I propose one sentence "that the Two-Party Joint Military Commission shall base itself on Article 3(b) of the Agreement and to carry it out."

Dr. Kissinger: Well, let me think about it. I don't see any sense in saying it should carry out what is already in the Agreement. I have one other clause, which we agreed to yesterday but of which we are extremely proud because it turns a very simple idea into unbelievably complex language. It is the idea on which we agreed yesterday with respect to expenditures [for the ICCS]. And it is really a drafting problem. I just sum up once again what our understanding is.

Our understanding is that the first budget will be set by agreement among the parties. Subsequent budgets will be proposed by the International Commission to the parties. In case of disagreement between the Commission and the parties the old budget continues until the new budget is agreed upon. That is what we agreed to yesterday, but we agreed to the principle; that is what we have agreed to, and then let the two work it out.

Le Duc Tho: I agree.

Dr. Kissinger: But will the Special Adviser read that article? We are very proud of it. I want to assign it to my students. It is drawn from the German Constitution of 1871.

Le Duc Tho: But when the International Commission reduces its personnel then the budget should be reduced too.

Dr. Kissinger: Yes, but we will worry about that when it happens. There is one problem in Article 10 of the International Commission which I know the Special Adviser knows by heart. [Laughter] It deals with how the parties shall maintain liaison with the International Com-

mission. And Mr. Loi, who wants to be DRV Ambassador to Saigon, insists that it has to be done through a liaison mission in Saigon. We don't exclude this, but we want to leave open also the possibility of occasionally sending a liaison mission to Hanoi or elsewhere. We don't say where, but just by any other means.

Mr. Sullivan: "Don doc" on Loi.

Le Duc Tho: We leave it to the experts.

Dr. Kissinger: Yes, but you keep your benevolent eye on it, because we couldn't formulate an article that interests you so intensely without your full concurrence.

Le Duc Tho: I believe that Ambassador Sullivan and Minister Thach will resolve it.

Dr. Kissinger: We should have it all settled before we make the announcements of my return here, on Thursday. We have a procedural proposal, that between the four-party and two-party signing there should be a service in Notre Dame conducted by Mr. Schumann which all delegations attend. [Laughter] That is where the Minister can read his poetry about the marriage of Ambassador Harriman.

Xuan Thuy: And we should invite Cardinals and all the nuns of the Vatican.

Dr. Kissinger: Then Madame Binh can sing in the choir. [Laughter] Shall we take a little break?

[The group broke from 11:10 a.m. to 11:48 a.m.]

Dr. Kissinger: To finish our outstanding business, we agree to the word "plenipotentiary." We agree to deleting Article 7 of the draft protocol on the ceasefire and Joint Commissions and to base the determination on the Agreement.

Le Duc Tho: And Article 4 in your protocol.

Dr. Kissinger: Well, Article 7 in yours and Article 4 in ours. At any rate we accept the proposal to stick to the Agreement and to give no guidelines.

With respect to the aircraft carriers, here is as far as we can go. With respect to the aircraft what we will say is "The U.S. side states its firm intention that after the withdrawal of its armed forces from South Vietnam it will station its aircraft carriers at least 300 nautical miles from the coast of North Vietnam after the withdrawal of its forces." Let me read it again: "The U.S. states its firm intention to station its aircraft carriers at least 300 nautical miles from the coast of North Vietnam after the withdrawal of its armed forces from South Vietnam."

Le Duc Tho: After 60 days then.

Dr. Kissinger: After 60 days it says in the understanding, but I have given you an oral assurance that we will in practice withdraw them earlier.

Le Duc Tho: I agree with you.

Dr. Kissinger: All right. [As agreed and retyped, Tab C.]

Le Duc Tho: So we have finished with the Agreement and with the understandings. So with the protocols regarding the determination of zones of control, we have agreed to each other, too.

Dr. Kissinger: Yes.

Le Duc Tho: Regarding the visits by the Red Cross for humanitarian reasons, we leave for Mr. Sullivan and Mr. Thach to solve.

Dr. Kissinger: Mr. Aldrich has discovered a protocol from the Peloponnesian War which I think we can cite. [Laughter]

Le Duc Tho: So now for the major questions regarding the protocols, you and I have solved them. As to the details we leave to Mr. Sullivan and Mr. Thach. We will “don doc” them. [Laughter]

Mr. Sullivan: The Special Adviser must promise that after we finish he must read the protocols. [Laughter]

Le Duc Tho: Will Dr. Kissinger also read them?

Dr. Kissinger: And we plan to finish those by Wednesday at the latest.

Le Duc Tho: It is possible.

Mr. Sullivan: It will take two days for the language experts after we finish them.

Dr. Kissinger: After they are finished the language experts have to conform the texts.

Le Duc Tho: We will leave it to Mr. Loi then.

Dr. Kissinger: Now what other problems do we have?

Le Duc Tho: Now let us go to the healing of the war wounds and we will recall everything in the schedule.

Dr. Kissinger: Good. Now let me give you our proposal on the healing of the war wounds. It is very complicated. But my experience with the Special Adviser is that complicated things he understands; it is the simple things he is having trouble with. [Laughter] Because he won't rest until he has made them complicated.

Now let me summarize what our problems are with respect to this. At every meeting that we have had in 1971 and in 1972 I have emphasized to the Special Adviser that we could do nothing in the nature of reparations, and therefore we cannot bring the issue of the reconstruction of North Vietnam into the same framework as the Agreement on Ending the War. This is important to us for moral reasons, but it is important to you for practical reasons, because we must find a procedure which will obtain strong Congressional support over a long period of time for your reconstruction. Now, the things we have discussed in this room and in Gif—there is no question that the problem of economic

reconstruction will have its most satisfactory solution. We will implement it. But you must show some understanding for our domestic requirements and for our psychological problems.

Now I have thought last night what we can do. We cannot sign a protocol and we cannot even exchange messages before this Agreement is completed. But I have thought that what we can do is to send you a message on January 30, a note which expresses our intentions and principles. And to give you a draft of this note now, so that you will know what message you will receive. We would deliver it here through our regular channels on January 30th, and then on January 31st we could announce the trip to Hanoi and so forth. Now let me read the note to you so you can see if this is agreeable. You will see that it incorporates as much as possible from your protocol.

This, of course, presupposes that there will be no interviews from your side or other publicity that refers to this note before it is delivered. But you can be sure that it will be delivered to you unchanged on January 30th. Should I read it now?

Le Duc Tho: Please.

Dr. Kissinger: [reads Tab D] "The United States wishes to inform the Democratic Republic of Vietnam of the principles which will govern its participation in the postwar reconstruction of North Vietnam. As indicated in Article 21 of the Agreement on Ending the War and Restoring Peace in Vietnam signed in Paris on January"—it will be January 27th, 1973—"the United States undertakes this participation in accordance with its traditional policies." We will give you a text. These principles are as follows:

"1) The Government of the United States of America will contribute to postwar reconstruction in North Vietnam without any political conditions.

"2) The United States will agree with the Democratic Republic of Vietnam to establish a United States-North Vietnamese Joint Economic Commission within 30 days from the date of this message.

"3) The function of this Commission will be to develop programs for the United States contribution to reconstruction of North Vietnam. This United States contribution will be based upon such factors as:

"(a) The needs of North Vietnam arising from the dislocations of war;

"(b) The absorptive capacity of the North Vietnamese economy;

"(c) The availability of the necessary funds through annual appropriations by the United States Congress.

"4) Preliminary United States studies indicate that the appropriate programs within the framework of the preceding paragraph will fall in the range of \$3 billion over five years. This estimate is subject to

further study and to detailed discussion between the Government of the United States and the Government of the Democratic Republic of Vietnam.

“5) The Joint Economic Commission will have an equal number of members from each side. It will agree upon a mechanism to administer the program which will constitute the United States contribution to the reconstruction of North Vietnam. The Commission will attempt to complete this agreement within 60 days after its establishment.

“6) The members of the Commission will function on the principle of respect for each other’s sovereignty, non-interference in each other’s internal affairs, equality and mutual benefit. The office of the Commission will be located at a place to be agreed upon by the United States and the Democratic Republic of Vietnam.

“7) The United States considers that the implementation of the foregoing principles will promote economic, trade and other relations between the United States of America and the Democratic Republic of Vietnam and will contribute to insuring a stable and lasting peace in Indochina. These principles accord with the spirit of Chapter VIII of the Agreement on Ending the War and Restoring Peace in Vietnam which was signed in Paris on January 27th, 1973.”

That is really the maximum we can do. I would hand you this text and it would be understood between us that it would be delivered to you on January 30th in Paris by Colonel Guay. If he can get an appointment.

Le Duc Tho: So it will be, as I understand, a unilateral note.

Dr. Kissinger: It will be a unilateral note from the U.S. to the Government of the Democratic Republic of Vietnam. Then on January 31st we announce my trip—without reference to the note, but it would be understood that the implementation of it would be one of the subjects of my trip.

Le Duc Tho: I will study this draft but preliminarily I would say a few words as for this.

Regarding the paragraph regarding the guidelines on which will depend the reconstruction program: first the needs arising in North Vietnam from the dislocations of war; second, the absorptive capacity for aiding North Vietnam. I agree the first is right, but the second regarding the capacity, this guiding line is not necessary.

Dr. Kissinger: We don’t want you to export the dollars you get.

Le Duc Tho: Regarding the annual program of funds allocated by American Congress, it is your internal affair.

Dr. Kissinger: We have no choice.

Le Duc Tho: We will discuss with you on the amount of money later, but how to get this money is up to you and we need not have it here.

Dr. Kissinger: We will make a program between us and we can make a major effort to get it from Congress. And we will almost certainly succeed. But we have to write this in case this note ever becomes public. It is an absolute necessity, and it is also the truth. We will consider your point about (b) and whether we can do something.

Le Duc Tho: Yes, I think that we will raise a number of principles. As to how the American Congress will approve it, it is your internal affairs.

Dr. Kissinger: But we need it.

Le Duc Tho: Moreover I think we will not publish this message in any case, because it is between I and you, therefore these guidelines should not be in the message.

Dr. Kissinger: Mr. Special Adviser, really, with all respect, we may have, when we ask for the money, to show the message in great confidence to the chairmen of the committees who must approve the money, and we must have some guidelines in a message like this. But we can modify the sentences like "the absorptive capacity of the North Vietnamese economy." We don't have to say that. We will find something else to say which is neutral. After we have discussed it here, when we redraft it we will show it to you again this week. After we take account of your comment. [Hands over copy of draft at Tab D.]

Le Duc Tho: Another important point is that the amount here is smaller than the amount we proposed to you. But there is another point, about "without repayment." On many occasions you told me that the contribution is without repayment. It is not mentioned in the message.

Dr. Kissinger: That is another one of these Congressional problems. It is very difficult. I understand what we have discussed. It is very difficult for us to put this in writing. When we make the actual grant we can do it, but to make it as a promise before we have spoken to the Congress can have exactly the opposite effect. We don't want any repayment. This is not the problem. No one else has ever repaid us; I don't know why you should be the first! Even countries that have an obligation.

Le Duc Tho: You have told us this on many occasions but I don't know why it doesn't appear in here.

Dr. Kissinger: Because when money is involved . . .

Le Duc Tho: Because the words "without repayment" imply your obligation to heal our war wounds. It is something logical.

Dr. Kissinger: But that is not the point. After the Special Adviser has taught his course at Harvard and studied the American political system he will understand the following: In the conduct of foreign policy the power of the Congress to influence the day-to-day operation is different than what it is when the expenditure of money is involved.

As the Special Adviser must have experienced when Congressional friends of yours came to Paris and could never deliver on what they promised. Not to speak of those who were confused by the Minister. I must say as an aside, all the time that the Special Adviser was telling me that points 1 and 2 of the 7 points were linked, our Congressmen and Senators who were talking to the Minister were under the impression that he told them they could be separated. And the Minister accomplished this without ever lying. He never said so. He just used very complex formulations.

But now let me get back to this problem. When we talk about appropriation of money the Congressional control is very strict. Particularly at the beginning of a program. And if the Congress thinks that we have promised matters that they believe to be their prerogative, then they will refuse them, just to show that they control the finances. And this is why it is very important not to put in writing matters that will be very difficult for us if they exist, but which in practice can be settled very satisfactorily.

Le Duc Tho: No, seriously speaking you told me about “without repayment” twice. Now it would be difficult for me to understand if this word does not appear in the note you will send us. I don’t speak about the ways or the method, the procedures in your country. I don’t know about that, but I think that the promise about “without repayment” is something correct. Because if you send us this message we have to rather record the statement you have made to us. It is better in this message.

Dr. Kissinger: I frankly couldn’t find the statements to which you are referring.

Le Duc Tho: In my record it is there.

Dr. Kissinger: I am sure that Mr. Loi is right now writing it.

Le Duc Tho: I believe that my memory is not . . .

Dr. Kissinger: But I don’t even want to discuss the practical problem with you, because it isn’t really a practical problem.

Le Duc Tho: But it is practical and correct for us.

Dr. Kissinger: It doesn’t really make any difference. The question is, what can we say in a note to you? Let me reflect about your point and I will transmit you a proposal through Ambassador Sullivan. You will see the practice; this is one of the few cases where the practice will be easier than the formula.

Le Duc Tho: No, it is our long-term relationship, and I know that this message will be only the first step because there will be many questions to solve later and it is a long-term relationship. But what is important is mutual trust, mutual confidence, and it is only a promise that you have given us and this promise should reflect. Moreover, I

would like to propose that since it is a note there should be a signature on it and an acknowledgment from our side. So if doing this would be like an understanding. You told me the other day that when we settled this question it would not be a protocol or an understanding; it would be in the form of exchange of note.

Dr. Kissinger: No, you told me that.

Le Duc Tho: Yes, I told you about the note. Then it should be sending note and acknowledging.

Dr. Kissinger: You can acknowledge it.

Le Duc Tho: So I think I would prefer that it is a signed note and I will acknowledge by a signed note too. It is not a letter.

Dr. Kissinger: I am moved by the trust.

Le Duc Tho: It is not between Foreign Ministers but between you and I.

Dr. Kissinger: I must say I am moved by the confidence that you show in us. We have never denied any notes we have sent you—even when you published them under very difficult circumstances for us. And we have no intention of denying this note. But if this is to be kept secret it has to be kept in the channel between the Special Adviser and me. While I don't suffer from an especially low estimate of myself, I have not yet corresponded with a foreign government with signed documents. But we can make it a message as we did in October in the name of the President to the Prime Minister. It is just—I have no standing to sign a document—and then you can acknowledge the message from the Prime Minister. We won't deny the message; this has never happened.

Le Duc Tho: This question is a procedural one, but there is still a number of points in the message that I would like to draw your attention to. That is the paragraph, guideline (c), the annual allocation by the American Congress.

Dr. Kissinger: But why do you care about this?

Le Duc Tho: And the second one is the word "without repayment."

Dr. Kissinger: I will study the question of what we can say that conveys that meaning, implying it without stating it, without ruining you in Congress. It is a legal and legislative problem, it is not a substantive problem. The phrase about Congress we may not be able to do anything about, but I don't see how it affects you. That is in the U.S. Constitution.

Le Duc Tho: My understanding is that the amount of money is decided in the message "without repayment." Now as to the availability of funds that American Congress may decide, really it is the internal affair of United States, and in this amount the fund of money decided

in the note will be divided into a number of years. This is what we are interested in.

Dr. Kissinger: That is clear, but the problem is that it has to be voted every year, and if we propose something that the Congress believes assumes that they have already made the decision they will certainly then vote against it. See, the problem is you are the one innocent nation in the world who never dealt with us on economic aid. That is almost the only thing you are innocent of. And we are talking here of a purely domestic thing for America. In substance, we are on your side. It is a pure domestic American problem. It is not a problem between you and us.

Le Duc Tho: I would propose that in the note it will speak about the program of reconstruction and so and so, and the setting up of the Joint Economic Commission so and so, and then the amount to be contributed in a period of 5 years will be so and so, and each year there will be such and such amount without repayment at all. And as to how to get this money in the U.S., it is your internal problem.

Dr. Kissinger: He has already settled the problem of getting the money, because we will never get the money if he is allowed to proceed! We are not saying how to get it; we just say that the Congress has the final voice and are saying this is the best guarantee of getting it.

Le Duc Tho: But I think that if we put this sentence in the note then it will be denial of your promise to us because it would depend on the availability of the decision of the Congress.

Dr. Kissinger: Every agreement we have ever signed with any country in the world, we have always put this in. Every country in the world. You go into a library and look at it. I won't tell the Special Adviser how to get a vote accepted by the Politburo in Hanoi because I think he knows better than I. Every agreement we have ever signed since 1948 has had that clause in it. It is an American constitutional practice . . . We will put in "according to American constitutional practice" so it is clear it is not a decision of the government.

Le Duc Tho: But in my mind I think that if there is such a provision then the money will not be granted because it will depend on the availability of funds by the Congress.

Dr. Kissinger: [laughs] You can be absolutely sure that with such a provision the funds are certain to be granted, and without such a provision the funds are certain not to be granted. We could just say "annual appropriations by the U.S. Congress" and take out "availability of funds." The absolutely last problem you have is that we will use such a thing to escape it. Besides it makes no difference; I can write anything down. This is a case where the Congress has almost total power. I have explained this to you many times. You will see, once

this program exists for a year, you will understand that we will use this clause to help you. We are not doing this to find a means of evasion.

We will study the question of the repayment to see whether we can find some formula. But it is very complex.

Le Duc Tho: This is what you had told me.

Dr. Kissinger: You are right; I am not contesting it. The problem is to find how to do it.

Le Duc Tho: But your promise to us is one thing but the difficulty with the Congress it is another matter. So I am not yet satisfied with your section (c), "through annual appropriations by the U.S. Congress."

Dr. Kissinger: You are not?

Le Duc Tho: I am not satisfied.

Dr. Kissinger: There must be some phrase in there about the Congress, believe me. Now we will study and see whether we can perhaps stick that sentence some other place. Maybe we can put it at the end, which points out that these appropriations are always made annually by Congress. I will study to see whether I can find a formula that meets your point at least part way—in which we separate our intention from the Congress. I will send you a new draft no later than Monday, in which I attempt to take account of your two points, on repayment and the Congress.

Le Duc Tho: And also the "absorptive capacity."

Dr. Kissinger: Yes, I understand that. That is the easier one to fix. Although from what I hear about your people your absorptive capacity is enormous.

Le Duc Tho: It is our affair and the absorptive capacity depends on our people, on us. As to the needs of North Vietnam, it is another question.

Dr. Kissinger: No, I understand your point, of course. This is not an issue of principle.

Le Duc Tho: So I will further consider the question of your sending us a note. On Monday.

Dr. Kissinger: I will send you a new draft on Monday.

Le Duc Tho: Please carefully consider our views.

Dr. Kissinger: I will carefully consider your views. I think you will have seen that overnight we made an effort to consider your views.

Le Duc Tho: But what important points we are concerned about are not reflected in the paper, and what is reflected is only subsidiary.

Dr. Kissinger: Well, what are you concerned about, the repayment?

Le Duc Tho: The points that we are concerned about is, first, the amount of money that should have been greater because of the recent

bombing caused a great deal of loss. Two, the point on no repayment. Three, the question of the Congress.

Dr. Kissinger: I will say this. It is harder to give away \$3 billion to you than anyone we have ever dealt with. [Laughter]

Le Duc Tho: No, you see after over 10 years of war I think it is an obligation of yours. This is something reasonable and logical. So please carefully consider our views.

Dr. Kissinger: Mr. Special Adviser, really, you must understand, and persuade your colleagues: This is not an issue that is contested by us on principle or substance. We are agreed on it. There will be no problems on this unless you create them by your excessive suspiciousness. But we will eliminate that phrase about “absorptive capacity.” We will seriously study a way of expressing your point about repayment. But it will not be a practical problem. And we will make an effort to put the need of our Constitutional requirements in a way which makes it less conditional than it is now. And we will send you our proposal through our normal channel on Monday, or Sullivan will give it to the Minister.

Le Duc Tho: Let me add a few words, Mr. Special Adviser. As you know Mr. Adviser, we talked on this question very lengthily in May 1972 and lengthily in October, and we yesterday also spent much time to discussing this question. You have also discussed with me lengthily on this question, and I think that your statements were very clear. And I think that after the restoration of peace in Vietnam, the relations between the U.S. and Vietnam will create conditions for your contributions to rebuild our country. And I also think that this work of the reconstruction is both your obligation and also your objective. But in my view I would like to have a signed agreement at least between you and I. A signed note. It will create the initial confidence, mutual confidence, because of the promise you have made to me. I understand that this note will help create this mutual confidence, because I understand that practically it will be followed by many things to be done. I know that you will visit Hanoi. We will discuss this question in more detail and we will come to very important decisions. This is also related to your decision to contribute to healing the war wounds in our country. I would like to repeat that this will create the mutual confidence between us. Therefore I think that the note be addressed to us on behalf of the President of the United States to our Prime Minister. Please carefully consider my views. And I would expect that you will keep the promise that you have made today. And on Monday you will give us the new draft and we will consider.

Dr. Kissinger: This we can do: We will give you a new draft of the note, and I will check with the President whether he agrees to make it a note from the President to your Prime Minister, but I am sure that

can be done. I will confirm this on Monday but I think this is very possible, and I will study your remarks very seriously.

But if I may be frank, Mr. Special Adviser, the question of confidence really has to have a mutual element. And if you are enormously suspicious, that is not my problem; that is your problem. If you think seriously about what we have discussed, it is obvious that we have every intention of carrying out what we have said, and you have summed it up reasonably. But I will send you a new draft on Monday and I will seriously consider all of your points. I will pay great attention to them. And I will strongly recommend to the President that it is in the form of a message from the President to the Prime Minister.

Le Duc Tho: So I can say the following: That we can say now that our work has been completed in the main—the Agreement, the understandings, the great principles of the protocols. So there is only this question left. I wish it to be satisfactorily settled to bring our negotiations to a fine conclusion. So please give us a new draft on Monday, and whatever comment we will have I will let you know. And then when you come to Paris again for the initialing then we will definitely settle this question. So that when we come to the signing of the Agreement, then this question will be finally settled already.

Dr. Kissinger: Definitely.

Le Duc Tho: And on the basis of this, when you visit Hanoi we will settle other questions in the wished-for way.

Dr. Kissinger: Exactly, you will see it. We will have a very satisfactory practical solution.

Le Duc Tho: Now that we have completed our agenda, now there is only the schedule to fix it up.

Dr. Kissinger: Should we do it after lunch? Should we see where the photographers are? You brought some photographers too, I understand.

Le Duc Tho: Yes.

Dr. Kissinger: To show you, Mr. Special Adviser, how well we plan and how we are prepared for every contingency: If you had a number that doesn't divide exactly into four, so that you had half a Pole for the Commission, we would have provided Miss Derus who is half Polish.

Le Duc Tho: Dr. Kissinger; what time will you be leaving?

Dr. Kissinger: 7:00. We have got to get the Minister in. He will never forgive us if he misses a picture. Have we got Mr. Loi? Wait a minute we need the Minister.

[The photographers entered at 1:15 for a 15 minute filming session.]

Le Duc Tho: And in these meetings we cannot miss Mr. Loi. So at what time do you expect to reach Washington?

Dr. Kissinger: I will plan to be in Washington around 10 o'clock Washington time.

[The meeting broke at 1:30 for lunch. The two groups ate together, including the principals, for the first time. The meeting resumed at 3:17 p.m.]

Le Duc Tho: Mr. Adviser, please let me now re-expound the schedule, for confirmation, and certain work related to the schedule. You and I have agreed upon the following: On Saturday evening, January the 13th, 1973, you will leave Paris for Washington. You will state that the private meetings in the past few days have been useful. Briefly. But you will mention about the experts, Ambassador Sullivan and me still remaining here and so forth, and we will also state that the private meetings "are making progress," are in progress.

Dr. Kissinger: You will say we have made progress and that they will continue?

Le Duc Tho: We will say that the private meetings are in progress.

Dr. Kissinger: And nothing else?

Le Duc Tho: And we will continue to say that the experts are continuing.

Dr. Kissinger: What I want to understand is this: If you aren't going to say the meetings were useful, I am not going to say it.

Le Duc Tho: It is the same. You will say useful negotiation: we will say that they are in progress.

Dr. Kissinger: Or "progressing." I have to make clear. "In progress" only means they are continuing, so you have to say they are "making progress."

Le Duc Tho: You would like me to say that the negotiations are useful?

Dr. Kissinger: "Have made progress."

Le Duc Tho: So you can say the same thing—"made progress" or "useful negotiations."

Dr. Kissinger: Yes, I will say one or the other. They both mean the same thing. Good. Go ahead. You read all of your things and then I will confirm.

Le Duc Tho: The two sides will not make any other statement that could divulge the substance of the private meetings.

Second, after you leave Paris on January 13, 1973, the experts will continue their work to complete the protocols.

Third, thirty-six hours after you arrive in Washington, the U.S. will completely end the bombing and mining of North Vietnam. Then you will announce officially—make an official announcement—that the negotiations on Vietnam have made progress and the U.S. Government

will completely end the bombing and mining over the entire territory of the DRV as of _____ hours, 1973 Washington time. Then the DRV side will acknowledge the cessation of the U.S. bombing.

Dr. Kissinger: But in a conciliatory fashion. [Laughter] You cannot say you forced us to do it, because it is a voluntary action.

Le Duc Tho: We will acknowledge the cessation of the bombing. Then on January 18 the two sides will simultaneously announce that the private meetings between you and us will be resumed in Paris on January 23 so that the two sides may complete the Agreement on January the 23rd, 1973.

Dr. Kissinger: Excuse me a minute, Mr. Special Adviser. I think we should only say "we will resume the meeting on January 23rd so that the Agreement will be completed." We should not say we will complete it on January 23rd. I told you now that we will initial it on January 23, but it is better not to say it will be completed that day.

Le Duc Tho: "So that the text of the Agreement may be completed."

Dr. Kissinger: Period.

Le Duc Tho: Shall we say that "it will be resumed in Paris on January 23 to complete the text of the Agreement?"

Dr. Kissinger: "To complete the text of the Agreement."

Le Duc Tho: On January 23rd before we initial the Agreement, the document, shall we meet before the initialing?

Dr. Kissinger: Yes, I think we should meet to discuss whatever . . . We have to have a session just for public appearances, so that it looks as if there was something left to do. And we can discuss signing problems. We have assured you there will be no substantive issue raised [laughter], nor technical issues, nor even linguistic issues. There will be no negotiations. But we can discuss procedures, we can complete that note to you, but we should have a three or four hour session which concludes with the initialing of the Agreement. Or a two or three hour session. It is just symbolic.

Le Duc Tho: So on January 23rd, at what time shall we meet?

Dr. Kissinger: 9:30?

Le Duc Tho: At the International Conference Center at Kleber Avenue?

Dr. Kissinger: Yes.

Le Duc Tho: Then we will discuss things before initialing. The procedure, the notes, the exchange of notes.

Dr. Kissinger: Exactly, but Mr. Sullivan and Minister Thach will work out the formalities of initialing.

Mr. Sullivan: In the Cyrillic alphabet.

Le Duc Tho: So to sum up, you and I meet at Kleber Avenue to discuss the note on the healing of the war wounds and then what

remains to be discussed about the initialing. As to the details of the initialing, it will be discussed by Ambassador Sullivan and Minister Thach.

Dr. Kissinger: Right, and we will find other things to talk about too. And we will initial it around 12:30, and I want to return to Washington as quickly as possible, so I will not delay you unnecessarily.

Le Duc Tho: So the documents that will be initialed are the following: (a) the text of the Agreement that will be signed by the Foreign Minister of the DRV and the Secretary of State of the United States, then the four protocols attached to this Agreement; (b) the text of the Agreement that will be signed by the plenipotentiary representatives of the parties participating in the Paris Conference on Vietnam, and the protocols attached to this Agreement.

Then after the initialing then the DRV and U.S. will send official invitations to the four countries that should participate in the International Commission of Control and Supervision. On what day should we do that?

Dr. Kissinger: The 24th.

Le Duc Tho: So the two parties will send invitation letters.

Dr. Kissinger: Yes, we will show you next week our invitation letter. The four-party document has only three protocols attached to it, because of the mines. But we will be glad to let the South Vietnamese sweep some mines up there. [Laughter]

Le Duc Tho: I agree. You are right. I had forgotten. After the initialing of the Agreement, then the experts of the two sides for the mine clearing in North Vietnam will meet to discuss their program of work. Our people are already in Paris.

Dr. Kissinger: Yes, we agree to that.

Le Duc Tho: Now on the 24th of January, the two parties will simultaneously announce that an Agreement has been reached and has been initialed. The two sides will announce the content of the Agreement which has been reached and the time for the ceremony for the formal signing.

Dr. Kissinger: Now here we have a slight problem—just on the timing. We would like the President to announce it the evening of the 23rd, which is about say 10 p.m., that an Agreement has been reached and initialed, and the time for signing. That is 10 o'clock in the morning, Hanoi time, is that agreeable?

Le Duc Tho: I agree.

Dr. Kissinger: But when should the text be released? At the same time?

Le Duc Tho: After announcing that, the text of the Agreement can be published.

Dr. Kissinger: Right, now which text?

Le Duc Tho: The two copies of the Agreement.

Dr. Kissinger: The two and the four party.

Le Duc Tho: The two party Agreement and the four party Agreement and the protocols.

Dr. Kissinger: That is all right with us.

Le Duc Tho: All right. The two party Agreement; the four party Agreement, the protocols.

Dr. Kissinger: Let me make a suggestion on the release of the documents, which has to do with the success of our explaining it in America. We can announce that an Agreement has been reached and initialed and when the signing will be—the evening of the 23rd. May I suggest that we release the text of the Agreement at 10 a.m. the next morning.

Le Duc Tho: I agree.

Dr. Kissinger: Then we can explain it to the press. Or do you want 9 a.m.? You prefer 9 a.m.?

Le Duc Tho: I agree.

Dr. Kissinger: Frankly, we don't want to explain that night. That night our people should be aware that there is peace, not that there are two separate texts of the Agreement.

Le Duc Tho: I agree. The next day, the 24th, 9 o'clock in the morning.

Dr. Kissinger: 9 a.m. in the morning the texts will be released. The two-party document and the protocols. And you won't be too conscientious and release the understandings simultaneously? [Laughter]

Le Duc Tho: In the evening of the 23rd January when you announce the initialing, the conclusion of the Agreement, the initialing, you will announce also the date of the signing of the Agreement—the 27th?

Dr. Kissinger: Exactly.

Le Duc Tho: And then on January the 27th the official signing ceremony will take place also at Kleber Avenue, International Conference Center. What time will take place the ceremony for the signing of the Agreement between the DRV and U.S. and the protocols initialed to the Agreement, and what time will be take place the signing of the Agreement by the parties taking part in the Agreement, will be decided by Ambassador Sullivan and Minister Thach.

Dr. Kissinger: But we are agreed that the four parties should sign first. In the morning?

Le Duc Tho: I agree the four parties will sign in the morning; the two parties will sign in the afternoon. But for both signing ceremonies there should be solemnity. The same degree of solemnity for each one.

Dr. Kissinger: We will let even more press in for the two-party ceremony. There will be even more noise. But no one can match the solemnity of Madame Binh when she sees a member of the GVN. [Laughter]

Le Duc Tho: I agree with you. We don't say about the two-party signing, but for the four-party signing I agree with you that we should have propitious atmosphere for that.

Dr. Kissinger: But we have an understanding also of a propitious atmosphere at the other. [Laughter] Can we have a moratorium on "wars of aggression" that day while the Secretary of State is in town?

Le Duc Tho: Then on January 28th, 24 hours after the signing of the Agreement, a meeting of the Four-Party Joint Military Commission and of the Two-Party Joint Commission in Saigon to discuss—the Four-Party Joint Military Commission will begin operating and the two South Vietnamese parties will meet to discuss the formation of the Two-Party Joint Commission in Saigon. So how the four-party meeting will operate, how the South Vietnamese will meet, will be discussed by Ambassador Sullivan and Minister Thach.

But now, have you definite views whether the four parties should meet after the initialing in Paris, or shall they meet later?

Dr. Kissinger: No, let us not tempt fate.

Le Duc Tho: I agree with you. I just want to know your views.

Dr. Kissinger: No, we don't want to take advantage of the Special Adviser. I think one of his proudest creations—the Joint Commission—should meet on the 28th.

Le Duc Tho: When the International Commission will enter Vietnam will be discussed by Ambassador Sullivan and Minister Thach.

Amb. Sullivan: And in the notes that we send to the four parties we will tell them when we expect them to be in place.

Dr. Kissinger: Can you share this information with us?

Amb. Sullivan: If our two Special Advisers would read the protocols they would find it in there. [Laughter]

Le Duc Tho: So then none of us have read the protocols.

Dr. Kissinger: [reads:] Just as I said, on the 28th.

Le Duc Tho: I have knowledge of it just now.

Dr. Kissinger: He is reassured now. His mind is at ease. I have a secret for you, too. We have to put in the time for the ceasefire [in Article 2]. How about midnight the 27th, GMT?

May I propose a change in the text of the Agreement? Could we make the year in which the ceasefire goes into effect 1973 instead of 1972? [Laughter] Oh, we fixed it already.

Xuan Thuy: Then we will make complaint to the International Commission that the ceasefire should have been observed in 1972 and you didn't.

Dr. Kissinger: Midnight GMT, the 27th. That's 7 a.m. in Saigon.

Le Duc Tho: I agree, so in Vietnam it will be 6 in the morning, 7 in the morning.

Amb. Sullivan: Indochina time.

Dr. Kissinger: I think that was one of the biggest concessions you made to us in our renegotiations—to take out that word.

Le Duc Tho: Now on January 31, the two sides will simultaneously announce your visit to Hanoi, "The Democratic Republic of Vietnam and the United States have agreed that Dr. Kissinger, Assistant to the President of the United States . . ."

Dr. Kissinger: My father will thank you for that.

Le Duc Tho: "... will come to Hanoi on February 7, 1973, to discuss with the Government of the Democratic Republic of Vietnam on matters of mutual concern after the war."

This is my draft. If you have any remarks on it. So the 5th or the 7th, it is up to you.

Dr. Kissinger: No, the 7th or the 8th. I would like to check it in Washington. It will be no later than the 8th.

Le Duc Tho: So on the matters to be discussed, I just raise the following. Please give us your remarks. So I propose the following: One, the U.S. contribution to heal the wounds and the reconstruction. Two, the establishment of diplomatic relations. Three, the convening of the International Conference. Four, other matters each party may raise. As to the technical questions regarding your visit we will discuss it when you come here on the 23rd.

Dr. Kissinger: Right. Airplanes and so forth.

Le Duc Tho: So I meet you on that day, January 23rd. It is our meeting preceding your return to Washington and my return to Hanoi.

Dr. Kissinger: All right. Should I comment on this now? On the trip?

Le Duc Tho: I have another question. It is not relating to the schedule.

Dr. Kissinger: May I make a point on the trip? On the announcements. I think we should perhaps phrase it a little bit more to discuss the establishment of postwar relations or something like that—or a new period of relations. We will send you a draft. In principle, the idea of what you have is right. We will send you a draft during the week. It will not differ in principle very much. Secondly, on the topics, I agree the first is the healing of war wounds, specifically the establishment of the economic commission, which we should decide while I'm

there. And I will be prepared for that. Secondly, on establishment of diplomatic relations, I would suggest also other steps for normalization, such as exchanges of experts and matters of this kind, so it isn't only diplomatic relations. Third, on the International Conference.

Le Duc Tho: Please raise all your views.

Dr. Kissinger: My view is that we should study in the interval, both of us, what sort of relations we could develop towards normalization. For example, you mentioned [during the photo break] your agricultural problem. We would be in principle prepared to send educational agricultural experts and matters of this kind. Educational exchanges. We would have to study what specific measures are possible.

Le Duc Tho: No, I just raise a number of problems that will be discussed here. But on January 23 we will meet again and then when we meet again we can discuss any questions we raise.

Dr. Kissinger: On the International Conference, I think on January 23rd we should agree on the location and the invitation, and then in Hanoi we can discuss the substance.

Le Duc Tho: I agree. So I raise these three questions: Healing of the war wounds, establishing of the diplomatic relations, convening of the International Conference, but you can raise any questions. There is no problem at all.

Dr. Kissinger: But do you believe that on the Conference we will discuss the procedural questions on the 23rd—the location and how to extend invitations, the procedural questions and so on.

Le Duc Tho: I agree.

Dr. Kissinger: And we can have a preliminary exchange of views on substance when I am in Hanoi.

Le Duc Tho: I agree. Now we have finished with the schedule. Now there is another question about the Kleber Conference.

Dr. Kissinger: May I just sum up on the schedule. I just repeat. I leave at 7:30. I will say we had a useful meeting. You will make a similar statement very shortly afterwards. You will say we have made progress or you can say whatever you want.

Le Duc Tho: So you will make this statement at the airport at 7:30?

Dr. Kissinger: Yes, 7:30.

Le Duc Tho: So I will make it at 8 o'clock then. But you should remember the way I told you about journalists to call me.

Dr. Kissinger: That is right. I will get some journalist to call you. But if we don't succeed, you will find a way. I am sure the Minister knows and will be able to advise you, Mr. Special Adviser.

Xuan Thuy: Always you make the first step and then I will follow your foot.

Dr. Kissinger: We may have difficulty because of the shortness of time reaching journalists ourselves, but there would be terrible speculation in America if we did and you didn't. I know you don't bother with these special problems, Mr. Special Adviser, but the Minister will be glad to advise you.

Le Duc Tho: I don't know about the procedures.

Dr. Kissinger: I think he will think something up by 8 o'clock.

Le Duc Tho: Please be assured by 8 o'clock we will make a statement.

Dr. Kissinger: Good, and if my departure is delayed I will let you know. Then the experts will continue their work and complete the protocols and we will agree to do this by Wednesday.

Le Duc Tho: I agree.

Dr. Kissinger: At 12 o'clock on Monday, Washington time, noon Washington time on Monday, we will announce that we have suspended—we will use the word "suspended"—all bombing and mining of the territory of the DRV because of the progress made in our talks. For your information, Mr. Special Adviser, we will stop several hours before then, in fact. You said you would acknowledge it. We are assuming you will not acknowledge it in any boastful manner.

Le Duc Tho: [laughs] No we do not. We will say nothing of that kind.

Dr. Kissinger: It would, in fact, be very helpful and would make a good impression if you did it in a very conciliatory manner, because we should begin to create the right atmosphere now.

Le Duc Tho: I agree with you.

Dr. Kissinger: And don't announce it before we have done it [laughter]. You may have some very efficient men in your Foreign Office.

On January 18, at a time to be mutually agreed upon, the two sides will simultaneously announce—probably at noon on the 18th Washington time—that private meetings will be resumed on January 23 for the purpose of completing the text of the Agreement. We will say nothing else. Also, after my departure, except for what we have agreed, neither side will announce, leak, hint or in any way divulge anything about the content of these meetings. Is that agreed?

Le Duc Tho: [laughs] We have always been keeping this agreement.

Dr. Kissinger: Except on October 25th and when the Minister goes on television. The Minister will be confined to writing poetry until then.

On January 19th—you didn't say this but I think we should agree on it—both sides will approach the French to make available Avenue Kleber for the session on January 23rd.

Le Duc Tho: I had forgotten. 9:30. You will do it at 9:30?

Dr. Kissinger: We will meet at 9:30 at Kleber Street; then we will tell the French we will meet at 9:30 at Kleber Street.

Le Duc Tho: Then we will meet at Kleber Street at 9:30.

Dr. Kissinger: Yes, but we will not tell the French anything about initialing or content.

Le Duc Tho: I agree with you.

Dr. Kissinger: The imagination of the French Foreign Minister will supply everything. [Laughter]

On January 23rd at 9:30 we will meet at Avenue Kleber. We will initial the two-party Agreement and four protocols, the four-party Agreement and three protocols. We will agree on a formal invitation letter and we will send it—no, the next day, that is. That is all we will initial. We will discuss the location of the International Conference and the procedure for sending our invitations. And we will discuss the technical and whatever other substantive details that have to be discussed before my trip to Hanoi. And we will agree on a final text for the note on postwar reconstruction. And we will initial around 12:30, and I will plan to leave Paris no later than 3 p.m. At that ceremony there will be official photographers, and the pictures will only be released after the announcement has been made.

Le Duc Tho: I agree.

Dr. Kissinger: That evening at 10 p.m. Washington time.

Mr. Thach: After initialing or after publication of the Agreement?

Dr. Kissinger: After publication. Right. The next morning after publication of the Agreement, we release the pictures. At 9:00 a.m. the next morning we release the papers, Washington time.

Le Duc Tho: I agree.

Dr. Kissinger: At 10 p.m. Washington time there will be a joint announcement on the 23rd that the two sides have agreed on the text of the Agreement, that they have initialed it, and that it will be signed on the 27th in Paris.

Le Duc Tho: And at the initialing your group and our group will come?

Dr. Kissinger: That is correct. We will bring also Mr. Aldrich. I mean everyone who is in this building on our side. And you can bring anyone you want except Madame Binh. [Laughter]

On the 24th at 9:00 a.m. there will be a joint release of the text of the Agreement.

Le Duc Tho: And the protocols?

Dr. Kissinger: And the protocols, correct. And we will brief about it, in a conciliatory fashion, but our people require some explanation about the subtleties of the Vietnamese mind.

On the 24th also the experts on mining will begin meeting.

On January 27th there will be an official signing at Kleber Avenue—the four-party document in the morning; the two-party in the afternoon, with equal solemnity. Solemnity being defined as the presence of newsmen. [Laughter] Or did you want to have the Cardinal of Paris present?

Le Duc Tho: [laughs] But I think he is delighted if he is invited.

Dr. Kissinger: It is my understanding that in both ceremonies and in the surrounding activities the statements to be made by both sides will be conciliatory and not boastful. Did I understand this correctly?

Le Duc Tho: You are right.

Dr. Kissinger: Of course we may differ about what is conciliatory and not boastful [laughter]. So I would put it also on the basis that if the definition of objective reality on the one side should be subjectively wounding to the other side, it will be omitted that day.

Le Duc Tho: [laughs] But this is too philosophical language!

Dr. Kissinger: On January 28 there will be a meeting of the Four-Party Joint Commission in Saigon and a discussion of the organization of the Two-Party Joint Commission.

Le Duc Tho: The ceasefire?

Dr. Kissinger: The ceasefire will go into effect at 2400 GMT, January 27th. The night between the 27th and the 28th. And 24 hours later, or at 6 a.m. Saigon time, the members of the Special Adviser's favorite organization—the ICCS—will meet, according to the protocols.

On January 31st there will be a joint announcement of the visit by Dr. Kissinger, Assistant to the President of the United States of America to Hanoi, to take place either February 7 or February 8, on a day we will communicate to you during the week. My father would like to make this announcement. [Laughter] We will send you the text during the week, but it will be substantially what you have proposed. And on January 23rd we discuss the technical arrangements for this trip.

So now I have confirmed this schedule without change. And it will be carried out without change.

Le Duc Tho: And on January 30th a note on the healing of the war wounds.

Dr. Kissinger: You didn't raise it.

Le Duc Tho: I have forgotten it.

Dr. Kissinger: It is too late! I have accepted your proposal. You are renegotiating your own proposal and I don't think this is a technical change which I can accept! All right, on January 30th you will get a note. I will confirm that on January 30th you will get a note on the healing of the war wounds.

Le Duc Tho: So now I completely agree with you on the schedule you have just presented. Shall I put it on paper and it will be confirmed by Ambassador Sullivan and Minister Thach, lest we should forget?

Dr. Kissinger: [laughs] I sometimes have the impression that you trust me only 99%. May Ambassador Sullivan show me the schedule when you send it to him? No, it is a good idea. Give it to him. He will send it to me and we will confirm it to you. It is a good idea.

And both sides will exercise restraint in their remarks about each other from now on. Especially in the adjectives used to describe each other's leaders.

All right, you had one other problem. Article 8(c)? Article 5? [Laughter]

Le Duc Tho: We should exchange views now on Kleber Avenue Conference. How shall we do it?

Dr. Kissinger: Thursday we have agreed to have it.

Le Duc Tho: My intention is the following: We privately exchanged the views on that question, and I think your view is right, that after the signing of the Agreement, the Paris Conference should continue for one or two more months so that there will be contact between the two parties, the three parties, and so on, between you and I.

Dr. Kissinger: But do you envision weekly sessions? I don't think so. My proposal is we keep the Conference in session and if any party wants a meeting, they can request it.

Le Duc Tho: In a word, it is not weekly sessions but the four delegations will remain here so that they will get together.

Dr. Kissinger: My view exactly. No problem with that.

Le Duc Tho: Because I think that after the signing of the Agreement, the two South Vietnamese parties should discuss the procedural questions about their meetings, about the implementation of the Agreement, and then the three Vietnamese parties which shall have to meet and discuss things, and the U.S. and DRV will have things to discuss too.

Dr. Kissinger: We will keep the delegations here and we will see what work develops. And we will meet this Thursday, but not meet the following Thursday.

Le Duc Tho: The Thursday after the meeting we will cancel it.

Dr. Kissinger: Yes.

Le Duc Tho: So then after the initialing, then the four delegations will remain in Paris so that the two South Vietnamese may get in contact and discuss the South Vietnamese questions, and from it there will be a three-party meeting, and you and I will keep in contact to promote them.

Dr. Kissinger: Those will be very happy meetings. But we will see each other anyway early in February in Hanoi. You are going to be there? In your native place?

Le Duc Tho: Certainly I will be there. So we have concluded our negotiations today. We have agreed with each other except for some questions regarding the protocols. We will endeavor to complete this work by Wednesday.

Now before leaving let me say a few words.

The progress, the results, we are achieving today are the result of efforts from both sides. We have completed the text of the Agreement. The understandings, we have agreed on the understandings. We have agreed on the schedule. You and I, we have agreed on many big questions of the protocols, and some remaining questions will be discussed by Ambassador Sullivan and Minister Thach.

Though it is only the first step, but it is a very important, very fundamental step to restore peace in Vietnam. We will fully complete our work on the official signing day. Since we have reached these agreements we should stick to them: The agreement on the text of the Agreement, the agreement on the understandings, and the agreement on the schedule. I agree with you that I will not change anything in the Agreement, in the understandings and in the schedule. I will also abide by these documents. This is a serious and honored promise on my part.

I am confident that in a few days time we will achieve peace. So your visit to Hanoi will mark the end of the era of hostility between us, and open up a new period, a new relationship between our two countries, and I am sincerely convinced that with this mutual effort we shall meet our objectives. I have finished.

Dr. Kissinger: Mr. Special Adviser, I agree with the sentiments you have expressed. I also consider the Agreement and the understandings and the protocols completed, and I undertake, on my part, that we will not request any change in them. I consider the protocols completed and concluded in principle, and I know Ambassador Sullivan and Minister Thach will conclude the drafting by Wednesday. I am certain that the schedule will be carried to a conclusion without interruption and that peace will come at last to Indochina and to our two peoples on January 27th as we have said. [Tho nods yes.]

After the Agreement is signed, a great deal will depend on the spirit in which it is implemented.

Le Duc Tho: You are right.

Dr. Kissinger: We will strictly observe the Agreement. But beyond this, there have been many agreements in Indochina that have only been interludes in warfare. This should be an agreement that marks

the beginning of genuine peace. The basic guarantee for this peace is an improvement in the relations between our two peoples. We have gone through many painful and difficult years. I want to say that we are determined to dedicate ourselves to the improvement of this relationship. And if we pursue it as energetically as we have pursued our previous period of hostility, I am certain that we will succeed. And if that happens, Mr. Special Adviser, then we will be able to look back on this day as an historic moment in the history of our two peoples, in the history of Indochina, and in the development of peace in the world. [Tho nods yes.]

So there remains only for me to say that the Special Adviser and I have spent many hours together—sometimes difficult, sometimes painful—but always with mutual respect, and if I may say so, I believe this personal respect and confidence can be one of the elements of the realization of the objectives which I have described.

Le Duc Tho: I can also very solemnly tell you that once it is signed, the Agreement will be strictly implemented. And the implementation of the Agreement will create mutual trust and will pave the way for our relationship not only immediately but also for the long-term relationship.

We are parting now in a very successful moment. What I have been telling you today, I will honor it. And actually throughout our negotiations there have been very harsh and difficult moments. But precisely these particular moments will leave a strong memory in us and give us mutual comprehension. Precisely these moments will open up a new stage in our future common path. And I firmly believe in that.

[The meeting adjourned at 4:55 p.m.]

48. Memorandum of Conversation¹

Paris, January 23, 1973, 9:35 a.m.–1:20 p.m.

PARTICIPANTS

Le Duc Tho, Special Adviser to DRV Delegation to the Paris Conference on Vietnam

Xuan Thuy, Minister, Chief DRV Delegate to Paris Conference on Vietnam

Nguyen Co Thach, Vice Minister for Foreign Affairs

Luu Van Loi, Delegation Member

Trinh Ngoc Thai, Delegation Member

Pham The Dong, Notetaker

Nguyen Dinh Phuong, Interpreter

Two other Delegation Members

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs

Ambassador William H. Sullivan, Deputy Assistant Secretary of State

George H. Aldrich, Deputy Legal Adviser, Department of State

Minister Heyward Isham, Acting Chief of US Delegation to Paris Conference on Vietnam

Winston Lord, NSC Staff

John D. Negroponte, NSC Staff

David A. Engel, NSC Staff, Interpreter

Peter W. Rodman, NSC Staff

Miss Irene G. Derus, Notetaker

Dr. Kissinger: Mr. Special Adviser, you make me turn left as I come in the door. I was thinking of turning right and going all the way around the room.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 866, For the President's Files (Winston Lord)—China Trip/Vietnam Negotiations, Camp David Memcons, January 8–13, 1973 [January 23, 1973]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at the International Conference Center, Hotel Majestic, Avenue Kléber. All brackets, except where noted, are in the original. The tabs are attached but not printed; on Tab H, see Appendix 3.

Between January 13 and January 23, that is between the final two January Kissinger-Le Duc Tho meetings before the agreement was signed, Thieu decided to accept the agreement. See *Foreign Relations*, 1969–1976, vol. IX, Vietnam, October 1972–January 1973 Documents 320, 322, and 329.

After Kissinger had failed to get Thieu's agreement in October, Nixon made Haig his chief emissary to Thieu. In trips to Saigon in November, December, and January, Haig delivered increasingly tough messages from Nixon, essentially ultimatums, that signaled irrevocably the United States' intention to sign the agreement even if South Vietnam did not. Furthermore, if South Vietnam did not sign, it could not depend on future U.S. assistance. In response to this pressure, Thieu agreed. On December 19, 1972, however, he perceptively commented to Haig, when the latter delivered the penultimate ultimatum: "Given the realities of the situation, what I am being asked to sign is not a treaty for peace but a treaty for continued U.S. support." Haig replied: "I agree with your analysis." (Haig, *Inner Circles*, p. 331)

With Thieu's assent, Kissinger and Le Duc Tho could initial the agreement, paving the way for its formal signing by the U.S. Secretary of State and the Foreign Ministers (Footnote continued on next page)

I changed a few pages in your Vietnamese text last night, Mr. Special Adviser, but it only concerned North Vietnamese troops. You won't notice it until you get back home. [Laughter]

We have a long agenda of matters to discuss today, Mr. Special Adviser. We have kept our schedule scrupulously and we will of course attempt to do so today. However, before we get into the rest of the schedule and the other outstanding items, I have been instructed to raise the issue of the place and time of the return of the prisoners. I wonder whether you have that information, the place and method of the return of our prisoners, whether you have that information available.

Le Duc Tho: Yes, I will answer you.

Dr. Kissinger: Has everybody noticed the tie of the Minister? [Tho looks over at Minister Xuan Thuy, sees that he is wearing the red and blue regimental tie Dr. Kissinger gave him on October 9, and laughs.] The first time I saw the Minister with a wide tie. [Laughter]

Xuan Thuy: So this evidences that something new happens today.

Dr. Kissinger: That is right.

Le Duc Tho: Today in order to meet your requirements regarding the prisoners, probably I think my answer today will satisfy you completely. I will say that American prisoners will be returned in Hanoi; prisoners captured in North Vietnam will be returned in Hanoi. US medical service airplanes from the US will come to Hanoi to take them. Medical service, military medical service.

Dr. Kissinger: Yes, medical evacuation planes.

of the Democratic Republic of (North) Vietnam, the Republic of (South) Vietnam, and the Provisional Revolutionary Government of Vietnam. The formal signing of both the four-party and two-party agreements took place on January 27 in Paris. The texts of the two agreements were identical except for the preamble and the signing paragraphs.

Later reflections by the two U.S. principals, President Nixon as policy architect and chief strategist and Kissinger as chief operative and tactician, show how they viewed what had happened and what had been achieved. Nixon wrote: "I had always expected that I would feel an immense sense of relief and satisfaction when the war was finally ended. But I also felt a surprising sense of sadness, apprehension, and impatience. Sadness, because Lyndon Johnson had not lived a few extra days to share the moment with me and receive the tribute I would have paid him. [Johnson died on January 22.] Apprehension, because I had no illusions about the fragile nature of the agreement or about the Communists' true motives in signing it. And impatience, because I was acutely aware of all the things we had postponed or put off because of the war." (Nixon, *RN*, p. 757) Kissinger wrote: "As we approached a conclusion there was no longer in our group that elation which accompanied the breakthrough in October. The December negotiations had brought home to us the abiding mutual hatred of the two Vietnams." Furthermore: "We had learned how thin was the veneer of affability of Hanoi's leadership, whose single-minded quest for hegemony, we were certain, would continue after a settlement." (Kissinger, *White House Years*, p. 1465) He added: "Le Duc Tho managed even on this solemn occasion to make himself obnoxious by insisting on ironclad assurances of American economic aid to North Vietnam." (*Ibid.*, p. 1472)

Le Duc Tho: So, in a word, American hospital or medical evacuation planes will come to Hanoi to take over the American prisoners in Hanoi.

Dr. Kissinger: And how about those captured in Laos and South Vietnam?

Le Duc Tho: For the prisoners in Laos, maybe I will discuss with our friends but maybe they will return to you in Hanoi, too.

Dr. Kissinger: Just a little stretch of the Ho Chi Minh Trail. [Tho laughs] And South Vietnam?

Le Duc Tho: As to the prisoners captured in South Vietnam, a number of them may be returned in Hanoi. As to the remaining, we will discuss with the PRG to see whether they will be returned to you in South Vietnam or in Hanoi, to be convenient to you, because a number of them are far in the South. But these questions are easy to solve.

Dr. Kissinger: We haven't had an easy question yet; we aren't going to start this late! I think this is a satisfactory answer. And will you give us a schedule?

Le Duc Tho: After the ceasefire the two parties will discuss in details. In stages.

Dr. Kissinger: All right. We will give you a schedule of our withdrawals and you will give us a schedule of the prisoners.

Le Duc Tho: All right, Mr. Special Adviser. So we will discuss and agree upon schedule for the withdrawal of US troops, for the release and return of American prisoners, for the return and release of Vietnamese military prisoners.

Dr. Kissinger: Good. That takes care of that problem.

Le Duc Tho: But you are still owing me a problem.

Dr. Kissinger: 5 and 8(c). [Laughter]

Le Duc Tho: Article 8(c) will be following you for a long time after the ceasefire!

Dr. Kissinger: Mr. Special Adviser, I suspect I know what the problem is—the economic reconstruction. [Tho nods “yes” and laughs.] All the other issues I have I think can be settled very quickly, and then we can spend the rest of the time on the economic issue, if you agree. I think we can dispose of all other issues in less than an hour and then we have two hours to debate the economic problem.

Le Duc Tho: [Laughing] Mr. Adviser, I would like to discuss with you the economic question first because the other questions will be quickly settled.

Dr. Kissinger: [Laughing] That is exactly why I wanted to discuss it last. And that is also in conformity with our principle that the economic question will be settled after the Agreement is signed.

Le Duc Tho: We are dealing here with a number of principles first, because afterwards we have to deal with these questions in more detail.

Dr. Kissinger: On the economic problem?

Le Duc Tho: Yes.

Dr. Kissinger: Oh, I agree and there is no problem about discussing it in principle. But there are a number of minor problems in connection with understandings and schedule and so forth, which I thought we should handle first and then spend the whole rest of the time on the economic note.

Le Duc Tho: I agree with you.

Dr. Kissinger: Good.

Le Duc Tho: It is a show of good will. [Laughter]

Dr. Kissinger: All right, Mr. Special Adviser, should I raise the issues that I have on my list, or how shall we proceed?

Le Duc Tho: Before you left the other day, there were four questions left that you raised to me. These four questions are, first, the healing of the war wounds; second, the convening of the International Guarantee Conference; third, the questions relating with your visit to Hanoi; and fourth, the initialing of the Agreement, the announcement of the initialing.

Dr. Kissinger: The announcement is settled now.

Le Duc Tho: The announcement is settled. Besides these four questions, I would like to raise another one. That is, after the signing of the Agreement, regarding the bilateral conference meeting. Have you any ideas about that? The two South Vietnamese parties' meeting. Have you any ideas about this question so that we may prepare?

Dr. Kissinger: Our idea was initially we keep the Avenue Kleber participants in Paris. We will not have meetings of the four but we will have the participants here so they can get in touch with each other. After that we suggest they meet in South Vietnam, for example, Saigon; that they should meet as soon as possible in South Vietnam.

Le Duc Tho: I agree with you, Mr. Special Adviser. They will remain in Paris for a short period to have contact with each other and then they will meet in Saigon, South Vietnam. But what I would like to ask you, Mr. Adviser, is that after the ceasefire shall we fix a date for the two South Vietnamese parties to meet to exchange views on the procedural questions, on the contents of the meeting, and afterward they go to Saigon and meet with each other there?

Dr. Kissinger: We will be prepared to recommend this to our South Vietnamese allies. I will be seeing their Foreign Minister today and I will make that recommendation. I recommend we do not make a final issue of this until after Saturday. But we believe that this is a soluble problem and we will use our strong influence in that direction.

Le Duc Tho: So, Mr. Adviser, after the 27th then we will decide on a date for this meeting.

Dr. Kissinger: I agree and we shall raise the issue with them now and we shall pursue it after the 27th.

Le Duc Tho: Yes, and fix a date for the two South Vietnamese to get in contact with each other.

Dr. Kissinger: Yes, next week some time, and then they should meet in Saigon.

Le Duc Tho: Moreover I have another proposal, Mr. Adviser, and this question I have talked about once or twice. That is the two South Vietnamese delegations—there should be some change of the leaders of the delegations because they have been talking with one another for so long. To create favorable atmosphere for their contact this should be done.

Dr. Kissinger: On both sides?

Le Duc Tho: Yes, on both sides?

Dr. Kissinger: We will discuss this with our allies. We frankly have never discussed this with them before.

Le Duc Tho: Yes, I raise the question with you and you will discuss with them.

Dr. Kissinger: We will discuss it with them and we will let you know. Does that mean that Madame Binh would leave Paris?

Le Duc Tho: [Laughs] Yes, on the two delegations if there will be change, then this possibility will happen.

Dr. Kissinger: I think it is safe to say that Paris will not be the same. [Laughter] All right, do you have any other problems?

Le Duc Tho: These questions I have raised to you extra. But actually we have only the four first questions.

Dr. Kissinger: All right. Well, I have a few other items, Mr. Special Adviser, which will not take long, including the ones you mentioned. I want to propose two minor understandings to you and I have to read to you an oral understanding about aircraft carriers. The first one concerns US aircraft carriers off the shores of South Vietnam. May I read it?

Le Duc Tho: Please.

Dr. Kissinger: [Reads from Tab A] "After the withdrawal of US armed forces from South Vietnam, the US has the firm intention of not stationing its aircraft carriers at less than 100 nautical miles from the shores of South Vietnam. This of course does not affect transit." This is the same as our written understanding, this phrase.

Le Duc Tho: I agree with you.

Dr. Kissinger: The second concerns aircraft carriers off the shores of North Vietnam: "Immediately after the US and the DRV have signed

the Agreement on Ending the War and Restoring Peace in Vietnam, the US has the firm intention of moving its aircraft carriers out of the Gulf of Bac Bo, the Gulf of Tonkin, nearly 300 miles from the shores of North Vietnam. This of course does not affect transit.” This is just for 60 days, until the written understanding goes into effect. We have already talked to the Chinese; they will be just on the other side of Hainan Island. [Laughter] No, you will see this come about next week.

Le Duc Tho: I agree with you. The same as the other day.

Dr. Kissinger: It is the same, but we don’t give it in writing. It is an oral understanding. The one in writing for afterwards you already have. This is for the record.

Le Duc Tho: This has been agreed to.

Dr. Kissinger: In the spirit of confidence and good will that has grown up between us during these four years, the Minister [Thach] requested that I read it again for the record. It is at the request of the Minister. I had already said it the other day.

Now I would like to propose two other understandings. One has to do with the Special Adviser’s favorite subject of the International Control Commission. There is a slight discrepancy in the text between the protocols and the text of the Agreement. Not a discrepancy, but the text of the Agreement says that the International Conference will make definitive arrangements and the protocol does not refer to that, so I would like to propose an understanding to it that the protocol does not prejudice the right of the International Conference to make definitive arrangements—which the Minister has already orally agreed to. [Tho and Thach confer.] Let me read you the understanding. “Nothing in the Protocol to the Agreement on Ending the War and Restoring Peace in Vietnam concerning the International Commission of Control and Supervision shall prejudice the right of the International Conference to make definitive arrangements with regard to reporting by the International Commission of Control and Supervision, as stipulated in Articles 18(b) and 18(c) in the Agreement, and to agree upon the relationship between the International Commission and the International Conference, as stipulated in Article 18(h) of the Agreement.” [Tho and Thach confer while Dr. Kissinger reads.] Minister Thach, I am sure the Special Adviser knows these provisions by heart. [Hands over Tab B. Mr. Loi gets up to read it.]

Mr. Loi—will his statue be finished when I get to Hanoi?

Le Duc Tho: Yes, the protocol and the Agreement they will have been achieved by that time, then Mr. Loi will have a symbolic statue by that time. Have you any other understandings?

Dr. Kissinger: I have one other formal understanding. The Minister and the Ambassador discussed yesterday that we might do an under-

standing with respect to Article 6 of the protocol on ceasefire. I think making an understanding with respect to Article 6 of the protocol on ceasefire, I think making an understanding with respect to that is going to raise more problems than it will solve. Therefore we withdraw the request with regard to that. But I would like to propose a simple understanding with respect to armed police, which I do not believe will raise any problems. Concerning Article 1, which is just a definition of what we mean by "armed police." May I read it to you?

Le Duc Tho: Please, Mr. Adviser.

Dr. Kissinger: "It is understood that the term "armed police" as it is used in Article 1 of the Protocol concerning the Ceasefire in South Vietnam and the Joint Military Commissions means those police forces that are equipped with infantry weapons and placed under military command. That term does not include civilian police and civilian security personnel covered by Article 6 of that Protocol." [Hands over Tab C] That is all we would like to propose. That is what it says anyway in the protocol.

Le Duc Tho: Mr. Adviser, have you any other proposals?

Dr. Kissinger: No, except "return to their native place." But we do that at the end. Because I know it won't present any problem.

Le Duc Tho: I shall see your proposal and I will answer you later.

Dr. Kissinger: Shall we go to other topics then?

Le Duc Tho: Please, Mr. Adviser.

Dr. Kissinger: I have one unilateral statement I want to make in connection with the protocols. We will leave that to when we get your comments on the other.

May I make a comment about Laos. We notice that the formal proposal of your side in Laos says that "The interested parties will proceed with the turnover of all military and civilians captured or imprisoned during the war, regardless of nationality, according to modalities adopted by common agreement. This exchange will begin and end at the same time as the withdrawal from Laos of all foreign troops and foreign military personnel." We are operating on the assumption that this does not apply to American personnel and American civilians.

Le Duc Tho: Mr. Adviser, I have not understood.

Dr. Kissinger: This is in the Lao agreement. In the agreement between the two Lao parties there is this draft provision which I have mentioned, and they have agreed among each other along that line. We just want to make sure that this does not apply to American prisoners.

Le Duc Tho: Let me tell this in simple sentence only: Regarding American military and civilians captured and detained in Laos, we

have agreed with our Lao friends that all of them will be released. This release is not related to anything else.

Dr. Kissinger: All right, that is all I need to know. We need to say no more about it. Now we are encouraging our allies—our friends—to move rapidly, and we assume you are encouraging yours also.

Le Duc Tho: Before you left I told you about that question. There are two questions here. First, you have responsibility to persuade your allies and to bring the negotiations there to good results. And after the ceasefire they should strictly respect the ceasefire and not take advantage of the ceasefire and violate the cessation of hostilities. This will not do. And I think that you should insure that this situation should not happen. As far as we are concerned, we will do the same.

Dr. Kissinger: I agree. We will do this, and we have sent General Haig to Vientiane to accomplish both of these objectives and we will continue to do so.

With respect to the ceasefire, I would like to call the Special Adviser's attention to the fact that on our new schedule it would mean that the latest date it would become effective is while I am in Hanoi, and that makes it particularly important that it will be scrupulously carried out—the ceasefire in Laos.

Le Duc Tho: Yes, I told you the other day the ceasefire will take place no later than 15 days.

Dr. Kissinger: Right. So it will coincide with my visit to Hanoi. So maybe we could take a little drive towards the Ho Chi Minh Trail and go sightseeing. [Laughter] Maybe the Special Adviser can drive with me along Route 7. [They confer.]

This is a new experience for Mr. Isham. He isn't used to our informal methods.

May I make a comment about Cambodia? [They continue to confer.] If Minister Thach drafted it I don't know if it will be better or a lot more complicated.

Le Duc Tho: So you have proposed today, Mr. Adviser, two understandings. First, regarding the American military and civilian prisoners in Laos, I have made the statement to you. It will fall within the period of 60 days for the release of American prisoners.

Dr. Kissinger: But that is already established.

Le Duc Tho: When we parted last time we said all the understandings have been settled. Now you raise new ones. So you are always putting forward some new things to be settled. It takes a lot of time.

Dr. Kissinger: No, the reason is these are understandings on the protocols, not on the Agreement, which we didn't have before in complete draft when we met.

Le Duc Tho: But the protocol has been agreed between Ambassador Sullivan and Minister Thach. Regarding the armed police, this question has taken a great deal of discussion, therefore, I think we should abide by the protocol. Because if you define the armed police as those forces put under the military command, then you will want to separate this kind of police and to have other kinds of police to arm them and to use them. As to the civilian police and civilian security personnel, I think in every country those civilian police and civilian personnel may always carry pistols. Because the definition of armed police proposed by you here will lead to the armament of civilian policemen and security men. This is for the purpose of building up armed forces to repress the local population. As to that, there have been very explicit stipulations in the Agreement and in the protocol. The only thing to do is to implement these provisions. As to the civilian policemen and security personnel, in every country they carry pistols.

Dr. Kissinger: Except in England they don't carry anything.

Le Duc Tho: I think that in America, in France, and in Vietnam, civilian policemen they will carry pistols.

Dr. Kissinger: Of course, this is not what the provision says. But for the sake of progress and as a sign of good will we will drop this understanding.

But how about the other one?

Le Duc Tho: I propose the following draft: "There is nothing in the Protocol to the Agreement on Ending the War and Restoring Peace in Vietnam concerning the International Commission of Control and Supervision which shall prejudice Articles 18(b), 18(c) and 18(h) of the Agreement regarding the arrangements made by the International Conference with regard to the relationship between the International Commission and the International Conference." [They hand over Vietnamese text of the above.]

Dr. Kissinger: I will accept that, if you permit us to put it into English. I accept this, and should we try to just smooth out the English a little bit, but I accept the text of it. All right. Can I go on to the Special Adviser's old stamping ground, Cambodia, now?

Le Duc Tho: Please, Mr. Adviser.

Dr. Kissinger: I want to inform you of the intentions of our friends. Within 48 hours of the signing of the Agreement, the Cambodian government will declare an end to all offensive operations. We will stop all air operations for 72 hours, and if there are no offensive actions by the other side we will not resume them. We will continue air operations in Laos until a ceasefire is reached, after which we will strictly abide by it.

I understand your problem. I am informing you of our position. We will also inform other interested countries of this position.

Le Duc Tho: So I take note of your information regarding Cambodia.

Dr. Kissinger: Right. Now with respect to the invitation to the members of the International Control Commission, I understand that the Minister and Ambassador Sullivan have agreed on a note. I want to confirm this. We will invite all four Ambassadors of the countries concerned to come to the State Department on Wednesday morning, Washington time, around 9:00 a.m., Washington time—that is 3 o'clock in the afternoon here—and hand them a copy of the Agreement and the protocols.

Le Duc Tho: So I agree what you have just confirmed.

Dr. Kissinger: I am just confirming. I think we will have *[more]*² trouble waking up our Ambassadors at 9:00 in the morning than you have keeping yours awake at 9:00 at night.

The announcement of the initialing of the Agreement today. There will be no announcement of any kind until 10:00 o'clock tonight, Washington time. At 10:00 o'clock tonight, Washington time, which is 10:00 o'clock tomorrow morning, Hanoi time.

Le Duc Tho: Public announcement.

Dr. Kissinger: There will be a public announcement. The President will make it. It will be a very brief speech—five minutes. It will be a very conciliatory speech in which he speaks of, among other things, reconciliation with the people and government of North Vietnam. He will mention that it was done with the concurrence of our allies, unilaterally; it will not be in the statement as we told you. It would be useful if your side could adopt restraint also. Especially as we would like to keep the Saigon Foreign Minister here in Paris until Saturday. Our South Vietnamese allies have promised us also to make a very restrained statement.

At 11:00 o'clock tomorrow morning, Washington time, we will release the text of the Agreement and of the protocols.

I am just reviewing things we have agreed upon. This is agreed upon.

Le Duc Tho: The other day we agreed with each other that the publication of the Agreement, the protocols is at 9:00 o'clock.

Dr. Kissinger: But this was changed orally and you confirmed it.

Le Duc Tho: No, the change was about the publication of the pictures taken at the initialing.

Dr. Kissinger: No.

² Bracketed insertion supplied by the editor.

Le Duc Tho: So there must be a misunderstanding.

Ambassador Sullivan: There must have been, because the publication I was talking about was the publication of the documents. You will remember we had 9, then I went back to 11.

Dr. Kissinger: It is very difficult for us to do it at 9:00 o'clock; technically very difficult.

Le Duc Tho: Because there is a problem with Vietnam. It is too late. There are no broadcasts. So I propose . . .

Dr. Kissinger: Could we do it at 10:00 o'clock? We could handle 10:00 o'clock, but 9:00 o'clock is too difficult.

Le Duc Tho: [Nods] 10:00 o'clock.

Dr. Kissinger: And we release the pictures at the same time. I will give a briefing.

Le Duc Tho: Ten in the morning in the US will be ten in the night in Vietnam. They will be in bed already in Vietnam, sleeping.

Dr. Kissinger: Yes.

Ambassador Sullivan: The Chinese are not in bed yet.

Le Duc Tho: Well, all right, Mr. Special Adviser, I agree with you that at 10:00 o'clock in the morning, Washington time, you will publish the Agreement. So I have taken into account of your difficulties.

Dr. Kissinger: We would have massive difficulty with our press, to get them up to read these things in the morning. This is our problem. I appreciate it, Mr. Special Adviser. 10:00 o'clock.

For your information, I will give a briefing on the meaning of this Agreement. It will be done at about noon. It will be done in a very conciliatory spirit. I will pay special attention to Chapter VI so that the Special Adviser's handiwork will get due credit. [Laughter] Maybe he will read my briefing and know what we agreed to! It is necessary because in American it will be difficult to understand. It will be very factual, not polemical, and the spirit will attempt to lead us in the direction of a new relationship.

Now the International Conference. Because of the delay in my trip to Hanoi, I propose that we have the Conference open on February 26, so that we can exchange views while I am in Hanoi about the substance. Is that agreeable?

Le Duc Tho: So the opening session of the International Conference will be on the 26th of February.

Dr. Kissinger: If that is agreeable.

Le Duc Tho: I agree.

Dr. Kissinger: I propose that Minister Thach and Ambassador Sullivan work out a parallel note after the initialing, and I propose that we send this note next Monday the 29th. Is that agreeable?

Le Duc Tho: I would think that before sending the invitation note we should contact the governments that will participate in the International Conference to see how they will react.

Dr. Kissinger: Informally?

Le Duc Tho: Yes, by diplomatic channels, informally, to see what reactions they have, and then we will send the note of invitation.

Dr. Kissinger: All right. Then shall we say after the initialing we will contact the governments and on February 1 we will send the note?

Le Duc Tho: Is it possible that during your visit to Hanoi we will discuss the contents of the International Conference and after that we will send the note of invitation? Because it is not late then.

Dr. Kissinger: That is only two weeks before the Conference. Why don't we say that we will both approach informally the governments concerned before February 1; then you and I will exchange messages to see whether we can send the formal invitation as late as February 10.

Le Duc Tho: Shall we exchange views on the content of the note of invitation?

Dr. Kissinger: Let me sum up. During this week, Minister Thach and Ambassador Sullivan will exchange ideas on the content of the note. Immediately after the initialing our two governments will informally approach the governments that are to be invited to the Conference to sound out their participation. We will extend the formal invitation.

Le Duc Tho: So about the note of invitation, that will be agreed upon by Ambassador Sullivan and Minister Thach.

Dr. Kissinger: We will send it after my visit to Hanoi, or during my visit to Hanoi. But I have only one other proposal—that we will try to obtain the answers from these governments by February 2, the informal answers. And then the Special Adviser and I will exchange ideas through our special channel prior to my arrival in Hanoi.

Le Duc Tho: So and during your stay in Hanoi then we will discuss the content of the International Conference and after that we send the note of invitation.

Dr. Kissinger: Exactly, but the date is set for the 26th. [Tho nods yes.]

The place of the Conference. We are still considering it, and we would like to let you know before the end of this week what our proposal is.

Le Duc Tho: About the place of the Conference?

Dr. Kissinger: Yes, we are considering Washington. [Laughter] We appreciated the fact that you did not propose Havana.

Le Duc Tho: What is the level of the representatives to this Conference?

Dr. Kissinger: What is your idea?

Le Duc Tho: I think they should be Foreign Minister level.

Dr. Kissinger: I agree.

Le Duc Tho: I have another question for clarification. You will send me a message to roughly exchange views on the content of the International Conference and then we will discuss it in Hanoi.

Dr. Kissinger: I will send you our ideas before I arrive in Hanoi and then we will discuss it in Hanoi.

Le Duc Tho: I agree with you.

Dr. Kissinger: And if you have any ideas then you send me a message. All right? [Tho nods yes.]

Now shall we discuss the trip to Hanoi. We were prepared to arrive on the 8th, but I understand you prefer the 10th. So I agree. I propose the following joint announcement. It is a slight redraft of the one you gave us. "The US and the DRV have agreed that Dr. Kissinger, Assistant to the President of the United States, will visit Hanoi from February 10 to the 13, 1973, to discuss with the Government of the Democratic Republic of Vietnam the postwar relationship between the two countries and other matters of mutual concern." [Hands over Tab E.]

Le Duc Tho: I agree with you, Mr. Adviser.

Dr. Kissinger: I propose we announce this on January 31 at 12:00 o'clock, Washington time. Or is that a bad time for you?

Le Duc Tho: It's midnight in Vietnam.

Dr. Kissinger: Do you want to do it at 10:00 o'clock? That is the earliest we can do it.

Le Duc Tho: I agree, 10:00 o'clock.

Dr. Kissinger: That is the earliest our journalists are sober. Oh, is Loi a journalist?

Le Duc Tho: He was a journalist.

Dr. Kissinger: Now I have a memorandum which embodies our understanding of this visit. [Aide comes in with glass of medicine for Tho.] Whatever it is you are taking, I am going to start taking it after we agree. It obviously agrees with you. [Laughter] Will you tell me when I come to Hanoi?

Le Duc Tho: Sheer water.

Dr. Kissinger: In order to save time I will not read it to you, and perhaps the Minister can confirm it to Ambassador Sullivan tomorrow. It is essentially what we have agreed to previously. [Hands over memorandum at Tab F.]

Now I have pointed out to the Special Adviser, it will not be understood in America if I arrive in Hanoi before any prisoners have

been returned. So it would be important if the first group could be returned before I arrive in Hanoi.

Le Duc Tho: My intention is that our side of the schedule of release of the prisoners, when you arrive in Hanoi we will release an extra number.

Dr. Kissinger: That would be a very important gesture.

Le Duc Tho: It is your proposal.

Dr. Kissinger: It would be very well received in America. Here is some technical information about the airplane and it's similar to what we have already given to you. [Hands over Tab G.]

Le Duc Tho: Only now we can put it in practice. [Laughter]

Xuan Thuy: But it would be difficult for the plane to land now because the runway is damaged.

Dr. Kissinger: We must have been aiming at a different airport because we never hit the airport we want.

Le Duc Tho: But the airport you intended to land on it was hit. Phuc Yen.

Dr. Kissinger: Phuc Yen.

Le Duc Tho: Phuc Yen. Gia Lam, too. But we will make an effort to repair it, to make it acceptable to the plane.

Dr. Kissinger: Of course. It will be a test of our friendship because the Special Adviser may make me land whether it is repaired or not.

Le Duc Tho: But I had the thought to have you land by parachute. [Laughter]

Dr. Kissinger: You can confirm these technical arrangements in the normal way with Sullivan. We will supply you a list of the people we will bring with us. Not all of them will attend all meetings. We would like to bring an official photographer with us, but you will see we will agree on the release of the pictures; neither side will release pictures except by common agreement.

Le Duc Tho: I agree.

Dr. Kissinger: We would appreciate it if you would send us any proposals of a schedule that you might have. The subjects we have mentioned in our note—we agree essentially with you: the details of the economic reconstruction, US/DRV relations, International Conference, and any other item either side wants to raise.

Le Duc Tho: I agree with you. These three items to be discussed, and besides that either side will raise any other questions.

Dr. Kissinger: And we will exchange ideas about the actual operation of the ceasefire and it would be—of course it goes without saying—that in the interval before my visit both sides should show great restraint in their propaganda towards each other and in their actions in Indochina.

On the January 27 signing ceremony, I think Ambassador Sullivan and Minister Thach should work it out. We are bringing our equivalent of Mr. Loi over here to work on the technical arrangements and he will be available starting tomorrow. He knows all the procedures that are required on our side. Do you want to keep the English copies overnight, too? Because some of our greatest successes we scored when we slipped pages into documents!

Le Duc Tho: So we have the agenda for the items to be discussed. As to your activity during your stay in Hanoi, I think that when you come we can discuss it.

Dr. Kissinger: But can you send me an approximate proposal? It doesn't have to be very rigid.

Le Duc Tho: I can tell you roughly now.

Dr. Kissinger: Yes.

Le Duc Tho: The items on the agenda, we will discuss, and then you will meet a number of our principal leaders to discuss all these questions. After this discussion then you may visit a number of places.

Dr. Kissinger: I will let you choose those.

Le Duc Tho: It can be agreed upon. I will let you decide whether you want it or not.

Dr. Kissinger: Scenic places—not places that are damaged.

Le Duc Tho: If you like it we can show you; if you don't like it, then no matter.

Dr. Kissinger: And we have given you our general concerns in this memorandum which you can discuss with Ambassador Sullivan. We leave the program up to you. May I make this suggestion. I will be interested and delighted to see something of North Vietnam, but may I suggest that each day I am there there are some meetings, then some time for seeing things. It would not be good in America if we had all meetings together and then two days for sightseeing.

Le Duc Tho: And it will be more relaxing this way of working. Maybe we discuss in the morning and in the afternoon we will be sightseeing.

Dr. Kissinger: Good. And we will have the same schedule when the Special Adviser comes to America. [Tho laughs] And the two Ministers. We have already arranged a poetry recital for the Minister. [Xuan Thuy laughs] All right. We are agreed now on the schedule of announcements. So on the January 27 signing ceremony we need have no further discussion.

Simply to confirm, there will be preliminary talks about the Joint Military Commission in Paris after the initialing, and the advance party will arrive in Saigon on the 27th. After the signing. We better make it the 28th, after the signing here.

Minister Thach: 27th, after the signing.

Dr. Kissinger: After the signing, the 27th, Paris time; that is the 28th, Saigon time. We should take no chances for an incident. Let us do it immediately after the signing. Let us say the morning of the 28th. The ICCS will meet on the 29th in Saigon. And then the Special Adviser will be fulfilled. [Tho and Thach laugh]

The Two-Party Commission will grow out of the Four-Party Commission, and there will be a separate session of the two South Vietnamese members of the Four-Party Commission.

As for Avenue Kleber we will keep the delegations here. And then when I am in Hanoi we will discuss the future disposition, and we will consider your proposal about the delegations heads.

Le Duc Tho: Would it be possible that now you will exchange views with the Saigon people and we will fix a date for the two South Vietnamese to meet after the signing? And then we will discuss it again when you visit Hanoi.

Dr. Kissinger: They will meet before I visit Hanoi. They will certainly meet before I visit Hanoi. I said the future disposition of the Avenue Kleber forum should be discussed while I am in Hanoi.

Le Duc Tho: I agree.

Dr. Kissinger: We will mention it to the South Vietnamese government this week but we shall actively pursue it only after the signing. But I fully expect them to meet before I have been in Hanoi. Now I have covered all the points that I have.

Le Duc Tho: Right.

Dr. Kissinger: I have covered all the points I have.

Le Duc Tho: There is one left, the last one. I will never forget it.

Dr. Kissinger: Article 5. [Laughter]

Le Duc Tho: You have understood me.

Dr. Kissinger: I am afraid I never understand not to understand the Special Adviser. [Kissinger, Negroponte, Aldrich confer on the rewording of the understanding on the ICCS and International Conference. Kissinger reads Engel's translation of the Vietnamese version.]

I just want to read this understanding; then we will get to the Special Adviser's favorite subject. May I just read a slight redraft in English of that understanding? "Nothing in the Protocol to the Agreement on Ending the War and Restoring Peace in Vietnam concerning the International Commission of Control and Supervision shall prejudice Article 18(b), (c) and (h) of the Agreement with respect to arrangements the International Conference is to make for the relationship between the International Commission and the International Conference." [As typed up and agreed, Tab H.] It is really almost the same, just slightly

different. I bet in Vietnamese it is exactly the same. It is really just a slight change in English.

Minister Thach: It is the same.

Le Duc Tho: Yes.

Dr. Kissinger: Now that we are quickly at the end of our work, I have found a strange phenomenon, Mr. Special Adviser: You are always difficult but you are especially difficult with respect to unilateral American undertakings for which there is no reciprocity.

Le Duc Tho: No, actually speaking this would be beneficial to both sides.

Dr. Kissinger: Let me explain to you once again, Mr. Special Adviser, what our problem is. Our problem is that in matters of foreign policy which do not involve financial expenditures, the discretion of the President is relatively large. In matters that do involve expenditures the Congressional prerogatives are very jealously guarded. Therefore, we have to express ourselves in a more guarded language with respect to those issues. On the other hand, I want to assure you that we are taking this problem extremely seriously and we recognize that the stability in Indochina depends on the ability of our two countries to work with each other with trust and confidence and that this is an essential component of this relationship. So we have accepted a few of your suggestions, by turning this into a Presidential message and by accepting a few other words that you proposed. But it is very difficult for us to change the basic thrust of our approach.

Now what we may not have made adequately clear is that what we can do in concessional aid can amount to a very substantial amount. But to put down an amount grandly larger than we have put down would be total irresponsibility, because it is very unlikely that we could fulfill it. That would be almost 30% of our total aid bill to all the world. So here is the note [Hands over Tab I] that will be delivered to you on January 30. We have made it as a Presidential message.

Le Duc Tho: Mr. Adviser, let me express a few remarks. You are right when you said this is a matter of our concern. We are interested in it. And it will lay the foundation for the relationship between the two countries. But besides that, it is the question that we have had so many destructions after so many years of war, therefore the reconstruction of our country without repayment is a matter of course. So this work is the rehabilitation of our economy and the reconstruction. As you know, the destructions and the damages caused by so many years of war are very great.

Dr. Kissinger: Excuse me, I just received my instructions. [Colonel Guay enters and gives Dr. Kissinger an envelope.]

Le Duc Tho: After so many years of war, as you know, the losses are very great, therefore the amount of \$3 billion is still not up to the

same level as the losses. Moreover, the grant aid you will give us is not only beneficial to us but also to the United States, too. So we propose \$4.5 billion of grant aid. But \$3 billion is too little. Therefore if you don't agree to \$4.5 billion at least it should be \$4 billion. Besides this amount, as to concessional aid, I would propose that we would put "Besides this grant aid the two parties will agree on the form of the aid to be taken."

As to the Congressional customs I understand that what you said has some legal aspects in accordance with your Constitution, but if we put in this paper this provision, then what you call grant aid may become nothing—it may be changed and it will no longer be an aid without payment—because you can use the American Congress to prevent what you are obligated to do. Therefore, on this question I think that you and I will have this understanding but this should not be written in the paper.

Dr. Kissinger: What should not be written in the paper?

Le Duc Tho: What is mentioned about Congress, the Constitution. So I propose that you and I, we understand that, but it can't be written in the paper. Because if it is written in the paper then what is said about the grant aid may not come true. It may be fulfilled but it may not be fulfilled, too. So the grant aid we propose is something reasonable after so many years of war. It is not a very excessive proposal.

These are the few points I would like to raise with you in the message. But I have repeatedly mentioned it to you. To lay the foundation for the new relationship between us. It is the minimum things we should go about to create some mutual trust, mutual confidence. These are only a few proposals. Afterwards, we have to discuss the details, and there will be a Joint Economic Commission. So our proposal is something very positive because we propose that the Joint Economic Commission be set up one month after the signing of the Agreement. That is our desire to lay the foundations for a new relationship between us.

Dr. Kissinger: Let me make a number of comments. First, on the Constitutional point. It is a new experience for you to deal with the American political process, and no matter what we put in this paper, whether this sentence is in or out, Congress can stop any appropriation. Therefore, your fears that we might use Congress—you should consider two things: First, the Congress is controlled by the opposition party, and second, no matter what we write in this paper, if we wanted to cheat you . . . With the Congress we cannot make a legal obligation. In fact, the Congress feels so strongly about its prerogative that there is a law that says if any official of the United States agrees to the commitment of funds for which there is no Congressional appropriation I can go to jail for five years. [Tho laughs] And you don't want

that before February 10, do you? I don't want to disappoint you a second time!

But let me make this proposal, which is really the utmost I can do. We will delete this sentence from the note, and then we will give you an understanding which says the President will make the utmost effort to achieve these goals but that he is bound by the American constitutional provision. As a separate note.

Le Duc Tho: I propose you delete the sentence in the message, but I will propose you to have this sentence written again as an understanding.

Dr. Kissinger: That is right.

Le Duc Tho: Like this, the same sentence.

Dr. Kissinger: "The US wishes to point out that the implementation of the Commission and the obligations of each member will be . . ." All right, I agree.

Le Duc Tho: As to the amount, I have lengthily explained to you. Today we propose that it be \$4 billion.

Dr. Kissinger: [Laughs] Let me say this. I believe that the concessional aid, which I understand Ambassador Sullivan has explained to you, could easily amount to \$1 billion–\$1½ billion over five years. So that you would have a total amount of about \$4½ billion over five years. And I am prepared to put that in an understanding—that it is our estimate that the concessional aid could amount in the area of \$1 and \$1½ billion, so this could amount to \$4½ billion. And if it is food grains there is in fact no repayment, so it is in effect grant aid.

Le Duc Tho: Let me propose the following as a practical thing: As to the amount of grant aid I propose \$3.5 billion; as to the other form, it will amount to \$1 billion or \$1.5 billion. But the form of the aid will be discussed later between the two parties.

Dr. Kissinger: That is all right, but we don't want to mention the sum.

Le Duc Tho: But \$3.5—as to the other form of aid from \$1 billion to \$1.5 billion, we will discuss these things later as an understanding.

Dr. Kissinger: It is easier for us to go higher on the concessional aid. The difficulty is that \$3 billion is about what we give to South Vietnam. Now it is almost impossible for us to promise . . .

Le Duc Tho: But the destructions of yours by so long years of war is great, so the amount we propose, \$3.5 billion, is very moderate.

Dr. Kissinger: Believe me, this is not something in executive discretion. This is a matter of the gravest problem for us domestically, to obtain the necessary funds. You will have read in the newspaper that the President has impounded money appropriated for domestic pro-

grams, and it is going to be almost impossible to explain why we give sums at all to a country with which we have been at war and with which we still don't have diplomatic relations. \$3 billion is higher than any sum any of our Treasury people knew about or have agreed to. They are still thinking in terms of what I gave you last year. [Tho laughs] I am serious.

Le Duc Tho: Last October you told me about \$3 billion or more.

Dr. Kissinger: That included concessional aid, concessional aid of \$1 billion to \$1.5 billion. At that time concessional aid was included in the \$3 billion.

Le Duc Tho: So let us figure \$3.5 billion and then \$1 billion more of aid in other form. We discuss. Because it is the lowest requirement we put forward in comparison to the destruction. We put in then for this \$1 billion, it will be agreed between the two parties that this aid will be granted, in what form. You have spent hundreds of billions during this war, and it is wasted money. It is a very small amount of money in comparison to the expenditures of the war. Moreover, it lays the foundations for the relationship between our two countries, and I think it is the first step in laying the foundations and in laying mutual trust between our two countries.

Dr. Kissinger: You see, I could put down \$10 billion; it doesn't make any difference. This is our difficulty.

Le Duc Tho: So I think that what we have proposed here is some moderate requirements, and moreover it is a very small amount in comparison to the expenditures you have made during the war, and the expenditures during the war are wasteful money. So now you say that there will be \$1.5 billion of aid in other forms; so I propose that you shift $\frac{1}{2}$ billion to the grant aid and use the other sum of \$1 billion.

Dr. Kissinger: We have more discretion with concessional aid. That is our difficulty. You see, with concessional aid we get a large sum and we have the discretion to apportion it; with grant aid we have to do it in each case independently. But wait until you have to deal with Otto Passman of Louisiana, who is Chairman of the Committee who makes these appropriations. It will be an experience for you which will make you think of me with nostalgia.

Le Duc Tho: So only proposal I am making is to shift $\frac{1}{2}$ billion from aid of other form to the grant aid, because that will evidence your contribution to reconstruction of our country and to heal the wounds of war. And this amount is insignificant.

Dr. Kissinger: But that isn't the point. Our problem is that we will have to ask for this money from the Congress, and frankly the Congress doesn't care about North Vietnam half as much as it cares for its own states from which it is elected. And they will have a hell of a time

explaining to their constituents why they are not voting money for ourselves but for other countries with which we have been at war. So you are not perceived in America as you perceive yourselves. Let me give you an example. We have given South Vietnam \$585 million in aid in grant-type aid from us a year, and we have put down \$15 million more for you.

Le Duc Tho: Mr. Adviser, I am not satisfied with what you have been telling me on this question. I only think that the amount I propose to you is a moderate amount. I have been settling questions with you in a very easy manner and you are very difficult in this question.

Dr. Kissinger: [Laughing] Mr. Special Adviser, no one is ever going to accuse you of settling problems in an easy manner. It took me two years of negotiations before you even sat us down to a green table. Let me make what is the maximum possible—I don't know whether it is possible. If we say \$625 million a year, that would make it \$3 billion \$250 million, but more than that would be absolutely out of the question. I am not haggling. You will see, Mr. Special Adviser, when you deal with America what you will be up against.

Le Duc Tho: So I provisionally agree with you to this amount.

Dr. Kissinger: I give you my shirt, too.

Le Duc Tho: We will put it into the paper and we will discuss this later in Hanoi.

Dr. Kissinger: Why don't you examine what your food needs will be, and discuss it with us when we come to Hanoi?

Le Duc Tho: To sum up, I propose to write in the message \$3.25 billion as grant aid but I will discuss further with you on this question when you visit Hanoi. Other forms of aid consisting of \$1 to \$1.5 billion, we will discuss it and we will agree on it between the two parties.

Dr. Kissinger: Right; but we won't write it in the note.

Le Duc Tho: But if you can write it in the paper it would be better.

Dr. Kissinger: I think we can achieve an understanding on it when we are in Hanoi. We will discuss it. You must give us some flexibility with our Congress. You can make me write a note which will totally destroy any possibility of getting anything.

Le Duc Tho: I agree with you. Now the aid under other forms will amount to \$1.5 billion, but we will discuss the details, the modalities, when you visit Hanoi, but it will be written in the understanding here between us.

Dr. Kissinger: It will not be written.

Mr. Thach: Not written in the message but the understanding.

Dr. Kissinger: We will give you this message, minus that one sentence about our constitutional process. We will hand you a written

understanding without a message saying “in accordance with its constitutional provisions,” separate from the message. And then we hand you another piece of paper saying “the concessional aid could amount to the range of \$1 to \$1.5 billion, depending on the requirements in food and other matters.” And all of this will be handed to you on January 30. If we can get an appointment.

Le Duc Tho: There is one point, Mr. Adviser, we propose in the second understanding you will write “other forms of aid, the \$1.5 billion, the modalities will be agreed upon between the two parties.” We don’t need the word “concessional.”

Dr. Kissinger: All right. We thought we could get a free port in Haiphong out of it.

Le Duc Tho: I propose to put the paragraph regarding the setting up of the Economic Joint Commission after the paragraph dealing with the principles, as we have proposed.

Dr. Kissinger: It is too late. I have thrown my text away.

Le Duc Tho: We have combined the two texts.

Dr. Kissinger: Explain that to me again, Mr. Special Adviser. I just want you to know that you have full responsibility for the fact that the schedule isn’t being kept. I don’t understand what you are talking about. Oh, I see. You would like our paragraph 4 to precede paragraphs 2 and 3. In other words, you would like to say “The Government . . .” That is all right. I agree. In other words you would like our paragraph 4 to become paragraph 2. You would like the amount to be the second paragraph. Is that correct?

Le Duc Tho: Yes, what I propose is that the paragraph dealing with the setting up of the Joint Commission will become point 3 and 4.

Dr. Kissinger: I agree. I have agreed with you.

Le Duc Tho: Another point, Mr. Adviser, I would propose “without conditions attached,” not “without political conditions attached.”

Dr. Kissinger: We can’t do that. It’s suicide for us. It’s total suicide.

Le Duc Tho: “Without conditions attached,” not the “political conditions.”

Dr. Kissinger: I understand that. I understood it the first time. We can’t do that. We can drop the whole phrase.

Le Duc Tho: [Laughs] So, “without conditions attached?”

Dr. Kissinger: I understood you the first time. We can’t do it. We can say “without any political conditions.” Or we can drop the phrase.

Le Duc Tho: If you put “without any political conditions,” then outside the political conditions there are other conditions. What conditions are there?

Dr. Kissinger: No, but for Congress we have to make some accounting of the money, how it is spent. If we say "without any conditions" the Congress is going to accuse us . . . There are no other conditions.

Le Duc Tho: So, Mr. Adviser, then I would propose in the understanding concerned with the \$1.5 billion aid bill put the word "without any conditions."

Dr. Kissinger: It is just suicide with our Congress. There has to be a formal agreement signed.

Le Duc Tho: Sullivan is a saboteur.

Ambassador Sullivan: I think he wants to spend the money on women and liquor. We won't permit that.

Minister Thach: No we will use this money for useful purposes.

Dr. Kissinger: Mr. Special Adviser, you will find that we will approach this reconstruction program in a constructive spirit. There is no point in doing it if we want to create a relationship of dependence.

Le Duc Tho: All right. So I agree with you now.

Dr. Kissinger: Right, Mr. Special Adviser.

Le Duc Tho: Now let me sum up. So now the grant aid will be \$3 billion \$250 million; then there will be an understanding on the \$1.5 billion.

Dr. Kissinger: \$1 to \$1.5 billion, in that range.

Le Duc Tho: \$1 to \$1.5 billion of aid.

Dr. Kissinger: Just a few more buffalo.

Le Duc Tho: The two parties will agree on the modalities of this form of aid. There will be some things outside the paper regarding the sentence about the constitutional customs. Now, the order regarding the Joint Economic Commission.

Dr. Kissinger: Paragraph 4 will become paragraph 2.

Le Duc Tho: Point 2 becomes 3.

Dr. Kissinger: Point 2 becomes 3 and point 3 becomes 4. The old point 4 becomes 2; the old point 2 becomes 3 and the old point 3 becomes 4. The old point 5 remains unchanged. [Laughter] And if the message is more than one page we will number the pages and staple them together. [Laughter]

Le Duc Tho: I agree with you now, and you can put "without the political conditions attached."

Dr. Kissinger: And now, unless I break my hand on the way to the bathroom, we can initial it. [Laughter]

Le Duc Tho: To phrase it cautiously, you can refer to objective necessities! [Laughter]

Dr. Kissinger: Can we take a five-minute break? A very brief break.

Le Duc Tho: And so you redraft that message and Ambassador Sullivan and Minister Thach will redo it once again.

Dr. Kissinger: I will send it to Ambassador Sullivan from Washington. You will have it Thursday morning. Maybe tomorrow. I may be able to send it from the plane. No later than Thursday morning.

Le Duc Tho: So Ambassador Sullivan and Minister Thach will have agreed to that beforehand, and then the message we have only to acknowledge it.

Dr. Kissinger: Exactly. It is imperative, though, that there is no publicity about this message. Let me explain one other thing. We will start this program with relatively smaller sums in order to get the principle established. The first time we go to Congress it will be only a part of a year. But that is only our internal problem. We will discuss it in detail in Hanoi.

[There was a brief break from 12:42–12:45 p.m. The group reconvened at the table at 12:45. The photographers and cameramen were admitted. The initialing of the Agreement began at 12:45 and lasted until about 12:55. When all the copies were initialed—The English and Vietnamese, the two-party and four-party versions, the Agreement and the protocols—Le Duc Tho and Dr. Kissinger made the following closing remarks.]

Le Duc Tho: Mr. Adviser, we have been negotiating for almost five years now. I can say this is now the beginning of a new atmosphere between us. It is also the first stone which marks our new relationship between our two countries, although the official signing ceremony will take place in a few days time. The restoration of peace is the aspiration of the Vietnamese people, the American people and also the people of the world.

So today we have accomplished our work. I talked to your Government through you and you talked to my Government through me. We, both of us, should not forget this historical day. Because it is a long distance and difficult way before we come to this, but now we have overcome all these difficulties. It is a subject for satisfaction between us, for you and for me. And the Agreement will be officially signed in a few days. I solemnly respect [sic] here to you that we will strictly implement the Agreement. I think that both of us should do the same, if lasting peace is to be maintained in Vietnam and in Southeast Asia.

Dr. Kissinger: Thank you, Mr. Special Adviser.

Mr. Special Adviser, our two peoples have suffered a great deal. There have been many painful moments and much destruction. You and I have had the great honor of putting an end to this. It is something we can never forget.

But our work will not be complete unless we bring a lasting peace to the people of Indochina, and an atmosphere of reconciliation between

the people of North Vietnam and the people of the United States. I would like also solemnly to promise you that we will strictly implement the Agreement. Beyond that, we shall dedicate ourselves to the improvement of the relationship between our two countries. I think you and I have a special relationship and a special obligation in this respect. So our work today completes our negotiations. And I hope that we will be able to look back to this day as the point which marked the beginning of friendship between the people of North Vietnam and the United States.

Thank you, Mr. Special Adviser, Mr. Minister.

[The meeting ended at 1:20 p.m. After warm handshakes, the two delegations went outside together, posed together for the press in a light misty rain, and then departed.]

Attempting To Implement the Accords, February 1973–December 1973

49. Memorandum of Conversation¹

Hanoi, February 10, 1973, 11:10 a.m.–noon.

PARTICIPANTS

Le Duc Tho, Special Adviser to DRV Paris Delegation
Nguyen Co Thach, Vice Minister of Foreign Affairs
Phung Manh Cung, Vice-Chief of Protocol
Phan Hien, Member of DRV Paris Delegation
Other Members of DRV Paris Delegation
Nguyen Dinh Phuong, Interpreter

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
Herbert G. Klein, Director of Communications for the Executive Branch
Ambassador William H. Sullivan, Deputy Assistant Secretary of State
Richard T. Kennedy, Senior NSC Staff
Winston Lord, NSC Staff
Peter W. Rodman, NSC Staff
David A. Engel, NSC Staff, Interpreter
Miss Irene Derus, NSC Secretary
Mrs. Bonnie D. Andrews, NSC Secretary
John D. Ready, U.S. Secret Service
William J. Bacherman, U.S. Secret Service
Gary McLeod, U.S. Secret Service

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 113, Country Files, Far East, Vietnam Negotiations, Hanoi Memcons, February 10–13, 1973. Top Secret; Sensitive; Exclusively Eyes Only. The meeting was held in the Reception Room of the Government Guest House. All brackets are in the original. The tabs are attached but not printed.

Kissinger's long-planned visit to Hanoi, beginning on February 10 with this meeting and continuing until February 13, included consultations with Le Duc Tho and senior members of the Government of the Democratic Republic of (North) Vietnam and the Lao Dong (Communist) Party. Kissinger's later reflections on this round of meetings noted:

"We had wrung [in the Paris Peace Accords] a tenuous compromise from these ideologues, but it took a greater act of faith than I was capable of to believe that they would abide willingly by an inconclusive outcome. The purpose of my journey to Hanoi in February 1973 was to encourage any tendencies that existed to favor peaceful reconstruction over continued warfare, to stabilize the peace insofar as prospects of American goodwill could do so, and to warn of the serious consequences should these hopes be disappointed." (Kissinger, *Ending the Vietnam War*, p. 435)

After the last meeting on February 13, Kissinger wrote: "I left Hanoi with determination [to make the agreement work] rather than optimism [that it would]." (*Ibid.*, p. 451)

Regarding the fate of the Peace Accords, now primarily in the hands of the North Vietnamese and their Southern allies, Kissinger reported to the President:

(Footnote continues on next page)

[Dr. Kissinger's party landed at Noi Bai (Phuc Yen) airfield northwest of Hanoi at 10:30 a.m., where they were welcomed by Special Adviser Le Duc Tho, Vice Minister of Foreign Affairs Nguyen Co Thach, Vice Chief of Protocol Phung Cung, Nguyen Dinh Phuong, the interpreter, and other members of the DRV Paris delegation. Le Duc Tho briefly showed Dr. Kissinger the facilities newly set up at the airfield for housing the crew of the U.S. aircraft. The group then transferred to an AN-24 jet transport and was flown to Gia Lam international airport northeast of Hanoi. A convoy of official cars (Chaikas for the principals and Volgas for the rest of the party) drove the party into Hanoi.

[The party arrived at the Government Guest House (the former residence of the French Governor-General of Tonkin) at about 11:00 a.m. The group took seats in the main reception room. Tea was served and photographers took pictures.]

Le Duc Tho: I will exchange views on the schedule. You will have lunch at 1300 hours and we will leave you completely free then. At 1500 hours you will call on the Prime Minister. The Foreign Minister and myself will be present.

Dr. Kissinger: All right. The whole delegation, or . . . ?

Le Duc Tho: You tell us those people who will attend.

Dr. Kissinger: I will give you a list.

Le Duc Tho: Then you can rest for half an hour. Then from 15:30 to 18:30, talks at the Prime Minister's office, that is, the President's House. And the Vice Premier and Foreign Minister and I will be there.

"They [the North Vietnamese] have two basic choices which I frankly pointed out to them [on February 11]. They can use the Vietnam Agreement as an offensive weapon, nibbling at its edges, pressuring Saigon, confronting us with some hard choices. In this case they would carry out the release of our prisoners and wait till our withdrawals were completed before showing their real colors unambiguously; they would keep their forces in Laos and Cambodia through procrastination of negotiations or straight-forward violations; and launch a big new attack soon. They would calculate that we would not have the domestic base or will to respond.

"Their other option is to basically honor the Agreement and seek their objectives through gradual evolution. They would welcome a more constructive relationship with us, seek our economic assistance and concentrate on reconstruction and building socialism in the north. Their Indochina allies would be told to pursue their objectives by political and psychological means. They would, in short, adhere to a more peaceful course and let the forces of history work their will, at least for a few years.

"The North Vietnamese naturally proclaim the second option as their settled course, but this means nothing. I could not judge from my talks whether their enormous losses, isolation from their allies, and the prospect of [American] aid mean they are ready for a breather. For them the ideal course would be to follow both options at once: violating the Agreement to pursue their objectives and improving relations with us so as to get economic aid. Our essential task is to convince them that they must make a choice between the two." (Kissinger's report quoted *ibid.*, pp. 451–452)

Dr. Kissinger: We will bring one of our notetakers, one of the girls, along. I will give you a list.

Le Duc Tho: On our side will be the Prime Minister, the Foreign Minister, Vice Minister Thach, and Mr. Hien.

Dr. Kissinger: As long as Loi isn't there.

Le Duc Tho: Mr. Loi is now in Saigon.

Ambassador Sullivan: Malheureusement.

Le Duc Tho: In the evening I myself will give a reception for your whole delegation at the President's House.

Then tomorrow there will be talks from 9:00 to 1300 hours.

Dr. Kissinger: Who will participate on your side?

Le Duc Tho: The same composition: The Prime Minister, the Vice Premier, and myself. Then at 1500 hours there will be a little sight-seeing tour of the city.

Dr. Kissinger: Good.

Le Duc Tho: Then you resume talks at 1600 hours. Then dinner at 2000 hours and a little film show. Then on the 12th the remaining questions after the talks with the Prime Minister will be discussed between you and me.

Dr. Kissinger: You are threatening me already!

Le Duc Tho: Then a sight-seeing tour in the afternoon. Then at 2000 hours a reception given by the Prime Minister in your honor for your party. Then a film show about the landscapes of Vietnam.

Dr. Kissinger: That is very nice.

Le Duc Tho: So on the 13th, if we have not finished our work, we can talk.

Dr. Kissinger: We can use the morning for talks.

Le Duc Tho: This is only a tentative program. If we have not finished our work we can change it. [He hands Dr. Kissinger a copy of the schedule, Tab A.]

Dr. Kissinger: It sounds like a very good program and we can decide this afternoon in which order we discuss the topics. At the beginning of the meeting.

Le Duc Tho: In my view we can follow the following order . . .

Dr. Kissinger: We can discuss this in a smaller group.

Le Duc Tho: All right. Now I invite the party to see your rooms.

[At 11:35 Mr. Klein, the photographers, and Secret Service left the room.]

Le Duc Tho: So roughly the program is good? Here is an announcement of your arrival. [Tab B]

Dr. Kissinger: Yes. What time tomorrow shall we make this statement?

Le Duc Tho: Probably it will be broadcast for the newspapers tomorrow.

Dr. Kissinger: We will want to do it at the same time in Washington. Do you want to do it at 10 o'clock tonight?

Le Duc Tho: Yes. At 10:00 tonight here and at 10:00 a.m. in Washington.

Dr. Kissinger: We have to get it to the plane.

Vice Minister Thach: We have a telephone.

Dr. Kissinger: This announcement is agreed. It is fine. We will do it at 10:00 a.m. Washington time.

Le Duc Tho: Let's speak about the agenda. Probably the ceasefire becomes effective over ten days. Let us therefore review the implementation of the Agreement.

Dr. Kissinger: I agree.

Le Duc Tho: Both sides will have a very strict implementation of the Agreement. Secondly, we will talk about the healing of the war wounds and the post-war reconstruction in Vietnam.

Dr. Kissinger: I thought the Special Adviser had forgotten about that.

Le Duc Tho: I am still interested in that.

Ambassador Sullivan: I notice the painting on the wall there [behind Dr. Kissinger and Le Duc Tho]. It shows all your buffalo!

Le Duc Tho: We will discuss about normalization of our relations, diplomatic relations. Then fourth, we will talk about the content of the International Conference. These are the four main questions.

Then we can discuss about the ceasefire in Laos. We have agreed with each other. Then you should prevail upon Mr. Souvanna to resolve the questions about the joint communiqué and the ceasefire on the date we have agreed to.

Dr. Kissinger: He is willing but he thinks the Pathet Lao are raising many unreasonable questions. He is prepared to have a ceasefire on the 12th.

I had a long talk with him about it yesterday.

Le Duc Tho: The talks may be continued by both sides. As to the ceasefire, we agreed to it. Let them have a ceasefire on the date we agreed.

Dr. Kissinger: I agree.

Le Duc Tho: But I think Mr. Phouma should raise the question and the two sides should issue a short communiqué.

Dr. Kissinger: Let me understand: The Pathet Lao are prepared to have a ceasefire without a general settlement pending negotiations?

They are prepared to have that on the 12th? [Le Duc Tho nods yes.] So you think Souvanna should propose to have a ceasefire and to negotiate the other issues later.

Le Duc Tho: And then both sides can issue a short joint communiqué, an order of the ceasefire.

Ambassador Sullivan: That is not the way the Pathet Lao are now proposing it.

Dr. Kissinger: That is not the way the Pathet Lao are now proposing it.

Le Duc Tho: No, the Pathet Lao agrees to that. We have agreed with our allies.

Dr. Kissinger: You are saying that if the Prime Minister proposes to issue a ceasefire order, it will now be accepted.

Le Duc Tho: That is right.

Dr. Kissinger: I will consider it, and we may make the suggestion. Maybe if the Special Adviser could come here a half hour before the meeting this afternoon, I could discuss with him the message we might send, so we understand each other.

Le Duc Tho: A message to whom?

Dr. Kissinger: A message to Vientiane.

Le Duc Tho: I propose let us exchange views now on the program. This afternoon you will meet with the Prime Minister and discuss it.

Dr. Kissinger: All right, we will discuss it. Because it is a matter of very serious importance to us that this understanding be observed.

Le Duc Tho: Whatever understanding we have with you, we will abide by it. But whatever understandings you have I think you should also abide by it.

Dr. Kissinger: I agree.

Le Duc Tho: Let's exchange views on the agenda.

Dr. Kissinger: We had the others slightly different. I agree we should discuss the implementation first. I agree we should discuss the normalization of relations and the content of the International Conference. I would have proposed that we discuss the reconstruction problem last. But since the Special Adviser yielded to me in Paris, and since he is the host, I propose that we discuss implementation of the Agreement, then the issue of Laos and maybe briefly Cambodia—the Special Adviser's old hunting ground—then we can discuss economic reconstruction. Then normalization of our relations, and then the International Conference.

So I substantially accept your program. I have just moved Laos before economic reconstruction because there is the urgency of time. It is part of the implementation of the Agreement.

Le Duc Tho: Let me propose this. Let us discuss the implementation of the Agreement and the Lao question and then the problem of economic reconstruction and normalization of relations and diplomatic relations, and finally the international guarantee conference. There is nothing much to be discussed on this subject; we leave it to last. After that we discuss anything about Cambodia. Sihanouk has just left here.

Ambassador Sullivan: He stayed in this building.

Dr. Kissinger: That must be why my arrival was delayed. We really must have a serious discussion about Cambodia. Why not discuss it this afternoon?

Le Duc Tho: You want to discuss implementation and Laos and Cambodia today, and then economic reconstruction, and then normalization.

Dr. Kissinger: Yes.

Le Duc Tho: I agree then.

Dr. Kissinger: One technical question about the invitation to the Conference. This is for Ambassador Sullivan and Minister Thach to discuss. They have probably already settled it.

Vice Minister Thach: Yes.

Dr. Kissinger: A conspiracy of diplomats.

Le Duc Tho: They settled this question while driving.

Dr. Kissinger: You know we already have a seating plan? [Laughter] I think one requirement is that Madame Binh not sit next to Foreign Minister Lam.

Le Duc Tho: The agenda is fine.

Dr. Kissinger: The agenda is fine.

Le Duc Tho: The program I have proposed to you is only tentative. If according to our discussion we choose to do so, we can change it later.

Dr. Kissinger: And we have time on the 13th which we can use. One other thing . . .

Le Duc Tho: And the joint communiqué.

Dr. Kissinger: I was just going to raise it. Minister Thach and Ambassador Sullivan drafted it in the car but we should look at it, Mr. Special Adviser! At the end of the second day's discussion, we should review it. Our proposal is to publish it maybe on the 14th, the day after I leave, at 10 o'clock in the evening here and 10 o'clock in the morning in Washington.

Le Duc Tho: All right.

Dr. Kissinger: But we attach great importance to this visit as the beginning of a new era in our relationship.

Le Duc Tho: In our assessment, your trip this time has its significance in the relationship between our two countries. It shifts into a

new period in our relations. We have seized power nearly thirty years now. We have never had any relations with the United States Government over this period, and we have never received any U.S. delegation led by so high-ranking an American official as you. This fact in itself shows the importance of our meeting here.

Dr. Kissinger: Let us all make an effort so we will look back on this as the beginning of a new relationship.

Le Duc Tho: You are right. So we have agreed on the agenda and the program. Do you have anything else to raise?

Dr. Kissinger: No. Previously this would have taken us two years to settle!

Le Duc Tho: I will rest now and you will have lunch in one hour. I will leave you to yourself. This evening I invite you to the President's House.

Dr. Kissinger: May I tell the Special Adviser what a personal pleasure it is to see you again.

Le Duc Tho: So am I. We are now entering a new relationship. But between you and I, the period of tense sessions is over now.

Dr. Kissinger: And we will have as good an outcome in peace as in our previous talks—but faster.

Le Duc Tho: I am confident in that, and I am convinced that if both sides are making an effort we can achieve fruitful results.

[The meeting then ended.]

50. Memorandum of Conversation¹

Hanoi, February 10, 1973, 3–6:22 p.m.

PARTICIPANTS

Pham Van Dong, Premier

Nguyen Duy Trinh, Deputy Premier and Minister of Foreign Affairs

Le Duc Tho, Special Adviser to DRV Delegation to Paris Conference on Vietnam

Nguyen Co Thach, Vice Minister of Foreign Affairs

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 113, Country Files, Far East, Vietnam Negotiations, Hanoi Memcons, February 10–13, 1973. Top Secret; Sensitive; Exclusively Eyes Only. The meeting was held at the DRV President's House. All brackets are in the original. The tabs and a map are attached but not printed.

Phan Hien, Member of DRV Delegation to Paris Conference on Vietnam
Tran Quang Co, Member of DRV Delegation to Paris Conference on Vietnam
Nguyen Dinh Phuong, Interpreter
Notetaker

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
Ambassador William H. Sullivan, Deputy Assistant Secretary of State for Far
East Asia and Pacific Affairs

Richard T. Kennedy, Senior NSC Staff

Winston Lord, NSC Staff

Peter W. Rodman, NSC Staff

David A. Engel, NSC Staff, Interpreter

Mrs. Bonnie D. Andrews, Notetaker

[The Premier, Deputy Premier, and Le Duc Tho greeted Dr. Kissinger and his party at the entrance to the President's House. The group took seats in the reception room. Photographs were taken, and Dr. Kissinger and the Premier began their conversation.]

Dr. Kissinger: I read an interview you gave in 1965 with Harrison Salisbury. It was a profound analysis of the situation.

Pham Van Dong: Now we have other subjects to talk about.

Dr. Kissinger: We have come here to start a new relationship. We have had too many armistices in the past, never a peace.

Pham Van Dong: I fully agree with Dr. Kissinger's views, and I hope Dr. Kissinger's visit will bring about an initial important contribution to this.

Dr. Kissinger: That is our firm intention.

Pham Van Dong: I hope this happens. Of course, very great efforts are required, and perseverance.

Dr. Kissinger: It requires patience, too, for each side's difficulties because it requires a big change for each side.

Pham Van Dong: So we understand, this question, and this time we will also talk about these questions. We should make an effort to arrive at some solution, and then continue to solve the problems.

Dr. Kissinger: We should set ourselves a goal and then decide what steps have to be taken over a period of time.

Pham Van Dong: Quite right.

Dr. Kissinger: Our goal is the normalization of our relations. I don't want to have to negotiate with the Special Adviser again in difficult circumstances. He's very difficult. [Laughter]

Pham Van Dong: He told me there were some difficult moments, and also some moments that were not difficult.

Dr. Kissinger: I was asked about your colleague on television the other day, and I said "in difficult periods, he was one of the most difficult men I have ever met, but when he wanted to settle he was one of the easiest to settle with that I have ever met."

Pham Van Dong: So we understand Comrade Le Duc Tho. But all of us are the same. [Laughter]

Dr. Kissinger: That's what I was afraid of.

Pham Van Dong: We have a saying: "Better discontent first than to lose affection later." And in European languages also there is a similar saying.

So we should bring a new relationship.

Dr. Kissinger: Exactly, and we should concentrate on establishing a really new relationship.

Pham Van Dong: Yes, on the basis that we make joint action on a number of questions, and accomplish our obligations to implement everything we have pledged to do. With long-sight and broad vision.

Dr. Kissinger: That is most important, that we have broad vision.

Pham Van Dong: There have been changes in the world, and also changes in the situation of this region. It is our earnest desire to have such a relationship with the United States as Dr. Kissinger just mentioned.

Dr. Kissinger: I told the Special Adviser many years ago, when we were still at war, that one day the DRV could see in the U.S. a country that was interested in its development and its independence, rather than an enemy. Because we have no interest in military activity here. I think the time has now come to implement this.

Pham Van Dong: And this is also our thinking, that some day will come when the U.S. will adopt an appropriate attitude to this region of the world. And we will have an opportunity to talk about this question.

Dr. Kissinger: We are prepared to do that.

Pham Van Dong: Because we shall envisage on what basis now the relationship of our countries should be founded. It should be a solid basis, a reasonable basis, and a mutually interested basis. Otherwise it is not possible. Otherwise, what we have achieved until now—the Agreement we have signed—would be only a temporary stabilization of the situation, a temporary respite. That is not our intention.

Dr. Kissinger: It has happened too often.

Pham Van Dong: [Laughs] But I think we shall not do that this time.

Dr. Kissinger: I agree.

Pham Van Dong: A great price has been paid for that. We should draw correct conclusions from that.

Dr. Kissinger: And we shall also draw correct conclusions from the historical evolution, and look correctly at the long term interests of ours and other countries in this region.

Pham Van Dong: In this connection, this is also what we are realizing. And we will exchange views on that, to see whether we have the same vision of the situation and the prospects. It is very important.

Dr. Kissinger: And if not, whether nevertheless we can adopt policies that are parallel.

Pham Van Dong: It should be parallel policies, but it would be better if the policies can meet!

Dr. Kissinger: [Laughs] The only reason I said we should have the same policies is that the Special Adviser has been trying to teach me Leninism for four years, and keeps telling me I am a poor student. [Laughter]

Pham Van Dong: Never mind!

Dr. Kissinger has stressed in his books on foreign policy that geographical conditions should be taken into account, and historical conditions, too. And everyone should have clear views of their own possibilities.

Dr. Kissinger: I agree with you. [Laughter]

Pham Van Dong: We Vietnamese living in this area will remain here forever. But you are from the other side of the ocean. Should we take account of this fact too?

Dr. Kissinger: Very much. It is a very important fact.

Pham Van Dong: I think we can talk about this.

Dr. Kissinger: That is why we are no long-term threat—despite recent events—to your independence.

Pham Van Dong: But we should think this over. And first of all we should consider the implementation of the Agreement. It is very important.

Dr. Kissinger: I agree. It is the first item of business.

Pham Van Dong: So we have an agenda.

[At 3:15 p.m., the group moved to the conference room to begin the formal meeting. Additional photographs were taken. The conversation then resumed.]

Pham Van Dong: Dr. Kissinger, today on behalf of the Government of the Democratic Republic and on my personal behalf, I welcome you as the representative of the President of the United States, and the Deputy Assistant Secretary of State, and all the members of your party.

I welcome Dr. Kissinger and your party to Hanoi to continue the discussions with us on the very important questions of mutual concern. It is the first official meeting and talks between us after the signing of the Paris Agreement. And it is our hope that this meeting and these talks will bring about initial fine results, which will open up other new things and other talks which we will continue to do in the future. Because we are facing very important, very difficult, and very complicated questions that need efforts on both sides to solve.

Once again, welcome to Dr. Kissinger and his party.

Dr. Kissinger: Mr. Prime Minister, Mr. Special Adviser, and Mr. Foreign Minister. On behalf of my colleagues, on behalf of my Government, I would like to thank you for the very gracious reception we have received, and for all the arrangements that have been made for us. We consider this meeting of historical importance. It is the first time a senior American delegation has been received in Hanoi in the existence of the DRV. [The Premier nods yes.] We have both undertaken this step after overcoming great difficulty. We have come to respect you as tenacious and courageous adversaries.

[Mr. Phung corrects Mr. Engel's translation.] I understand his accent is not that of Hanoi. [Laughter]

And we have come here now because we have come to the conclusion that if we look at an historical period it is not natural for the DRV and the United States to be enemies.

We clearly endorse different ideologies, and it would be idle to pretend otherwise, but we have proved in our relationship with other countries that this need not be an obstacle to good relations and cooperative action. In the long term, from an historical perspective, a strong and independent self-reliant Vietnam is in no way inconsistent with American national interests. We slid into war against each other partly through misconceptions on each side. We thought the war was directed from one central office that was not in Indochina. And perhaps you drew certain lessons from your history that were not exactly accurate. But whatever the conditions under which we are acting, our interest in Indochina is the maintenance of the independence and sovereignty of the countries of Indochina, and that, we understand, is not opposed to your interests.

We are prepared to make a major and serious effort to normalize our relationship with the Democratic Republic and deal with you each on a basis of strict equality and without special benefit for either side. This means that we must implement the Agreement correctly and carefully. Beyond the Agreement, it means we should increase our contacts and keep each other informed about our intentions. We will deal with you honestly and fairly. It is inevitable that there may be occasional disagreements. But if we understand our long term objectives, and if we remain committed to this aim, we can overcome these disagreements. And then this meeting can be recorded as the start of an historic period of a new and better relationship between our countries. That is the attitude with which the President has asked me to come here.

Pham Van Dong: I highly appreciate the views which Dr. Kissinger has just expressed. But allow me to return to one point. I think it is necessary to make some comment.

I think that what has just happened between us—and Dr. Kissinger referred to it as a misunderstanding—in this connection we have repeat-

edly expressed our views. And on our part I think what we have done, we ought to have done that. That is, to wage a war to defend our national fundamental rights. However, I agree with you, Doctor, on that point, that this war was not something necessary, something necessary to happen. If the U.S. had not had the policy which it had in the past—but it is something past, something bygone, and we should draw some conclusions about that for the present and the future. And we should, in the spirit we have just mentioned outside and we continue in this room, shift from war to peace, to shift from confrontation to reconciliation as stipulated in the Agreement, and to bring a new relationship, a solid relationship, on a basis agreed upon by the two parties and aiming at the long-term goals as Dr. Kissinger has just mentioned. As far as we are concerned, we will firmly follow this direction—that is to say to implement the signed Agreement, to implement all the provisions of the Agreement. And we should remember that our two countries are those which have made very great effort to bring about the Agreement. And I think that in order to have firm and strict implementation of the Agreement our two governments should make an important contribution; also all the signatory parties have the obligation to respect and implement the Agreement. I think that the implementation of the Agreement is a decisive factor in the change of relationship between our two countries.

As far as we are concerned, as far as the Provisional Revolutionary Government of the Republic of South Vietnam is concerned, as far as the Vietnamese people are concerned, we shall respect and strictly implement the Agreement which has been signed. And we will do our utmost to demand that the U.S. and the other parties implement strictly the Agreement too. And I fully agree with Dr. Kissinger about the importance he has attached to the implementation of the Agreement. And I think it is a good thing if we begin our talk here today with this point of view in mind.

Dr. Kissinger: I agree, Mr. Prime Minister, that we should begin with the implementation of the Agreement and then move on to our bilateral relationships. We have prepared an analysis of the implementation of the Agreement, which in your terminology may be somewhat subjective, [laughter] because it leads us to the conclusion that we have implemented the Agreement somewhat more strictly than has your side.

Pham Van Dong: [Laughs] I disagree with you on that point.

Dr. Kissinger: I thought we would have an initial disagreement. But I thought we would have a frank exchange of views. We are prepared to consider what comments you have, and if you are prepared to do the same thing . . . Now how should we proceed, Mr. Prime Minister? Who should listen to whose complaints first? [Laughter]

Pham Van Dong: Our politeness calls for the guest to speak first.
[Laughter]

Dr. Kissinger: I have prepared my statement according to the chapters of the Agreement. I can make my comments on one chapter first and then perhaps the Prime Minister can make his comments. Or else I can make all of mine first.

Pham Van Dong: Please speak first, Doctor, and express your views on all the chapters.

Dr. Kissinger: [Laughs] Well, on Chapter I, I think there have been no violations that we can record.

Pham Van Dong: [Laughs] It is a good beginning. But on our part we have many remarks on that.

Dr. Kissinger: On Chapter I? [The Premier nods.]

On Chapter II, which deals with ceasefire, withdrawals, and replacements, I would like to make the following comments: The U.S. has strictly observed the ceasefire and has conducted no military operations in North Vietnam since January 15 and in South Vietnam from January 28. We have ceased all reconnaissance activities against the territory of the DRV, and as we have promised, we have moved our aircraft carriers a considerable distance away from the Democratic Republic. I understand one aircraft carrier has been moved, by common agreement, to support the mine sweeping operation.

We are concerned, however, about the number of ceasefire violations which are occurring within South Vietnam. We know that your side made an effort prior to the ceasefire to seize as much territory as possible and that this effort in fact continued after the ceasefire. Our reports indicate that there have been over 200 major violations and about 1900 minor violations. There is no point in reading to you a long list of violations which has been given to me. I have a whole book here of reports, and we would be glad to discuss them with your experts.

Le Duc Tho: We have also a book ready!

Mr. Kissinger: The Special Adviser always operates on the basis of strict reciprocity! But what I have prepared is a summary of the military reports which we have received, and I thought it might be of interest to you. It is the same as what we have received in Washington, except that the classification has been removed so I am not committing any illegal act by giving them to you. [Laughter] If your interpreter needs help with the bureaucratic English we will be happy to help. [Laughter] I have trouble understanding it myself. [Dr. Kissinger hands over three copies of compilation of major ceasefire violations, Tab A.] During the trip will you please tell me if the Special Adviser really understands English? I have always suspected it but never had it confirmed.

We recognize that it is difficult to end a war which has taken this particular form and we also recognize that some of the situations are ambiguous. Also, because we have withdrawn our advisers from the districts it is not easy for us to get independent reporting. But still, making all these allowances, it seems to us that there is a persistent pattern of attacks—indirect attacks, artillery attacks—which must threaten the ceasefire if they are continued.

In this connection, another problem that concerns us is that the parties are obligated under Article 5 of the Ceasefire Protocol to do their utmost to remove obstacles to civilian movement within fifteen days of the signing of the Agreement. Instead, since the ceasefire, many roads have been blocked and the road blocks have not been removed. For instance, Route 1 in several places—near the border of Quang Ngai and Binh Dinh Provinces, in Phu Yen Province, for example, and elsewhere. Routes 14 and 19 to Pleiku. Route 20 near the border of Lam Dong and Long Khanh Provinces. So we believe that out of these meetings removal of these road blocks should emerge.

Now let me turn to Article 2, mineclearing. We take our obligation in this respect very seriously. We regret the delay occasioned by the need to assemble the necessary equipment. Our experts tell us that they will begin clearing the Haiphong Channel on February 26 and will then complete that within 40 days. Our experts tell us that they have received very good cooperation from your experts.

So what I want you, Mr. Prime Minister, to understand is that we take our obligation very seriously. If you are satisfied with the work of Admiral McCauley, then the experts should continue to meet, and if you have any difficulty you should communicate directly with me through our established channels and I will make an effort to remove any obstacles.

But I would find it helpful if you communicate with us, Mr. Prime Minister, if you would be very concrete in your comments because I frankly do not understand much about mine clearing. [Tho laughs] So I would like specific comments so we can issue appropriate orders. I know even less about mine sweeping than I know about Leninism. [The Premier laughs.] So it really would help to get your concrete proposals.

With respect to Article 5, the withdrawal of forces, we have given you the numbers we will withdraw every 15 days, which will roughly be a quarter of the total forces. We have, in fact, withdrawn 10% more than we needed to in the first 15-day period. But that is not a major issue.

The Republic of Korea forces are also withdrawing at the rate that we have agreed to in the Protocol. One difficulty, as you know, is the fact that your side is harassing the roads over which they are withdrawing. And therefore, strict observance of the ceasefire would ease this problem.

I have also told you, Mr. Prime Minister, about our aircraft carriers, with respect to which we will strictly carry out our understanding.

Now we come to Article 7, the reintroduction of troops and war matériel. I understand that the issue of legitimate ports of entry has been resolved as far as the Saigon side is concerned. But there are a number of matters which quite frankly concern us very much.

According to Article 7 of the Agreement, after the ceasefire military equipment can be reintroduced only on a replacement basis, periodically, under the supervision of the ICCS and the Two-Party Commission. Now we have received indisputable evidence that, for example, on February 6 large supplies were introduced over the beach into Duc Pho Province; and that 175 trucks crossed the DMZ over Route 1068 on February 6. Also we have indications that over 200 tanks are heading in the direction of South Vietnam through Laos and Cambodia, and some across the DMZ. And this, of course, raises serious questions in our minds. There is no way that these can be legally brought into South Vietnam from Laos and Cambodia at all, since the Agreement says those countries cannot be used as bases. And there is no way they can be introduced into South Vietnam at all after the ceasefire, because the only way is replacements and there have not been that many losses.

Again, I have a whole list of day by day infiltrations. But I do not think any purpose would be served, since you must know what is being done. We are prepared to observe strictly the requirements of Article 7. But it would be difficult to maintain this if the provisions with respect to replacement are not strictly observed by your side as well.

Here are the figures on the tanks. [He hands over a map given to him by Ambassador Bunker which listed estimates of current tank infiltration: 223 tanks heading for South Vietnam, plus 25–30 in Southern Laos and 27 in Cambodia.]

Le Duc Tho: You are always obsessed with the tanks at An Loc.

Dr. Kissinger: Because our experts told us it was impossible that you had tanks across Laos. Now our experts are agreeing with you.

Pham Van Dong: Now your experts want to be relieved.

Dr. Kissinger: I am using only information which we can document. And we have not made a formal protest because we wanted to have an open discussion with you.

Now these are the comments I have on Chapter II. Should I proceed to Chapter III?

Pham Van Dong: Please.

Dr. Kissinger: With respect to the prisoners and civilian detainees: First let me turn to U.S. Prisoners of War. I have explained to Special Adviser Le Duc Tho on many occasions our extreme concern with

respect to prisoners and, therefore, the fact that the American people will not have any ambiguity with respect to this. As we go over the lists of prisoners, the list from the DRV was reasonably consistent with our own records. But the list from the PRG and above all, the Pathet Lao list, have raised very serious questions. There are 80–100 cases of men lost in South Vietnam, Cambodia, and Laos on whom we have clear evidence of survival on the ground. This evidence includes voice communications in advance of capture, or publication of names or photographs by your side after capture. We are prepared to provide information on these cases, including information about dates and locations and indications of survival. We brought 19 of these cases with us, including a number from Laos, in which we even have pictures of their capture that were published by the Pathet Lao, and some are pictures published by you. And for this reason we cannot consider the lists satisfactory.

Now let me turn specifically to the Laos list. There are approximately 350 military and civilians listed as captured or missing in Laos. Of these we believe that 215 were lost under circumstances in which we believe some information should be available. The LPF list of ten personnel lost in Laos, which you provided to us on February 1, cannot be considered complete. If I can be frank, Mr. Prime Minister, I believe that all of them were Americans captured in Laos by your forces, not by Pathet Lao forces. We have brought you our records of the people of whom we have evidence that they were captured in Laos, together with the evidence—and in two cases there are photographs—of their capture. [Dr. Kissinger hands over Laos compilation, Tab B, to the Prime Minister.]

We have a similar list, which we will hand you this evening, of South Vietnam and North Vietnam.

Now in addition, we have other evidence; on 3 October 1967, the Pathet Lao Radio announced that between 17 May and 16 September 1967 they had “captured about a dozen U.S. pilots”. On February 2, 1972, Soth Phetrasy stated that “some tens of prisoners” were being held by the Pathet Lao. The French phrase used was “quelques dizaines”. Also, the LPF acknowledged only nine Americans on the list of February 1. This represents 2.5% of the prisoners and missing personnel in Laos. In contrast, the DRV list represents 45% and the PRG list represents 20% of the total we have listed as [POW’s or] missing.

For all these reasons, we must ask you urgently to reexamine the Laos list, or give us an accounting, or explain the discrepancies.

There are other aspects of the American prisoner problem. We were unhappy about the fact that delivery of mail to our prisoners—discussions did not start about it until February 5.

We would like to ask you—it is not a complaint but for humanitarian reasons—for the DRV and the PRG to provide information on the

cause of death and the place of burial of those who died, both for those who died after capture and are on the list, and those who died before capture and are not on any list.

We would also appreciate it if graves registration teams could operate in North Vietnam and PRG areas of South Vietnam, and in Laos, to search for dead and missing and to examine aircraft crash sites.

With respect to Vietnamese civilian detainees, Article 8(c), we are very much aware of your special concern for this problem. One difficulty is that the PRG has not yet given a list of its civilian detainees or places of detention. But nevertheless we have made a major effort in Saigon to begin the release of civilian personnel. We have been told that President Thieu either has announced or will soon announce the release of 5,000 civilian detainees in the very near future.

On Chapter IV, the political settlement in South Vietnam, we think it is too early to make a judgment. We have no special complaint.

I think the two parties have begun to talk. I hope the Special Adviser has noticed that Ambassador Lam is in the hospital. [Tho laughs.] We take you very seriously.

Le Duc Tho: But at the same time there has been a proposal that the two parties should resume talks in Saigon, Tan Son Nhut. They have not agreed.

Dr. Kissinger: I am not saying there is no difficulty, but I am saying the process has begun. But maybe you have comments. I am making a list of our complaints.

On Chapter V, of course, my comment with respect to your truck movement across the DMZ would be a clear violation of Chapter V.

With respect to Chapter VI, we have made a major effort to move your delegations and to provide necessary equipment for them. I understand that you have some difficulties to report with respect to Chapter VI and the treatment of your personnel, and we will take your views very seriously and I will listen to it very attentively. But if I can be very frank, having had some personal experience, I think that the Deputy Chairman of your delegation [Luu Van Loi] does not have a personality that eases conflicts. [Laughter]

Pham Van Dong: I think that it is a very tenacious prejudice on your part. [Laughter]

Mr. Kissinger: Based on experience! And if he writes the reports on which you base your judgments, I am a little uneasy.

Pham Van Dong: [Laughs] Be calm, be assured.

Mr. Kissinger: I am listing all our complaints. Chapter VII, on Laos and Cambodia, I propose we discuss it separately.

Pham Van Dong: I agree.

Mr. Kissinger: Chapter VIII, on postwar relations. We shall also discuss separately the problem of reconstruction. But I will say that I believe in our public pronouncements you have behaved correctly, and will do the same thing.

Chapter IX, we have no criticism or complaint. [Laughter]

Le Duc Tho: There are no violations.

Mr. Kissinger: There are no violations. Your Foreign Minister signed the Agreement properly!

I have put forward these comments in a constructive spirit, because we must try to solve them. And I am prepared to listen in a similar spirit to your comments and criticism.

Pham Van Dong: I propose a short break and then we resume. We have a great deal of work.

[The meeting broke at 4:40 p.m. The Premier and Dr. Kissinger continued their conversation informally in the reception hall, along the following lines:]

Mr. Kissinger: We have experience with your tenacity, and now we will go in a positive direction.

Pham Van Dong: It is necessary to have peace. It is our hope. Our whole meeting proves it. We will be constructive in this meeting and we will prove that fact.

Mr. Kissinger: We are also making a very major effort. And we must discuss such matters as our communications. We can have really confidential exchanges. If we get in better contact we can keep each other better informed.

You have made the Special Adviser a great T.V. star. In Paris.

Pham Van Dong: It is true? [Laughter]

Mr. Kissinger: But actually when you were smiling we were not making much progress.

Pham Van Dong: So the journalists were wrong. Without any bad intention. But you see what was written about the negotiation. They were suspicious.

Mr. Kissinger: Yes.

Pham Van Dong: Even after signing they were suspicious.

Mr. Kissinger: I think we should make the Agreement successful. It is important to be concrete but I agree that we should have a relationship that will take them by surprise.

Pham Van Dong: It is my wish.

Mr. Kissinger: And we should look at the future seriously.

Pham Van Dong: Any problems should be realistically solved.

Mr. Kissinger: And we will be judged by our ability to solve them. We must be honest with each other. Then we can analyze each problem.

Pham Van Dong: In our language we have a saying, “We should see the trees but we should also see the forest.” Do you agree with me?

This is the one question.

Mr. Kissinger: I think it is important that we find a way of promoting the Agreement about Laos.

Le Duc Tho: How is the climate here to you?

Mr. Kissinger: Very pleasant.

Pham Van Dong: This is a good season here.

[The group reconvened in the conference room at 5:10 p.m., minus Mr. Co and the other North Vietnamese notetaker.]

Mr. Kissinger: [pointing to his briefing book] I am going to read this whole book to you, cover to cover.

Pham Van Dong: It will take us one month.

Le Duc Tho: So we have printed the Agreement. [He shows Dr. Kissinger a printed booklet of the Agreement.]

Mr. Kissinger: In Vietnamese? All the Protocols.

Pham Van Dong: Mr. Special Adviser and gentlemen, today allow me to present to you our general views. Of course, we attach particular importance to implementation of the Agreement. But at the same time I will raise a number of other questions, for the information of Mr. Special Adviser and gentlemen, of questions of our concern. To see whether we have the same vision of these, and to see how we can solve the problems we have to solve. In this spirit, sir, I would like to speak to you about five points.

First, regarding how to maintain and to consolidate the peace, a durable and lasting peace. This is a very fundamental point, in which all the parties are concerned and all the parties should attach importance to it, and to do their utmost to contribute to that, to contribute to and maintain a durable and lasting peace. The Paris Agreement is actually an agreement on Ending the War and Restoring Peace. So the respect of and the implementation of the Agreement will consist in fulfilling and implementing this important provision of the Agreement. On our part we will make tremendous efforts, great efforts, to carry it out. And today I would like to reaffirm this official stand of our Government and you can be assured of our determination in doing so.

Our Vietnamese people, we have been struggling for scores of years to achieve freedom, independence, and peace. Now we have obtained fundamentally this aim. We will be determined to maintain and consolidate peace and independence in South Vietnam and eventually to peacefully reunify our country.

Secondly, all of the provisions, the whole of the Agreement, must be implemented. That is to say, to implement all the provisions regard-

ing the national fundamental right of the Vietnamese people, the right to self-determination of the South Vietnamese people, and the reunification of the country. These are very important provisions in Chapters IV and V of the Agreement. We know that all parties should exert a great deal of effort to implement these provisions.

We are greatly concerned about what is happening now in South Vietnam. Those are violations of all provisions of the Agreement, particularly the aforesaid provisions. There is all the more reason for the parties to respect and implement all provisions of the Agreement. On our part, the Government of the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam solemnly declare that we will have full goodwill and seriousness to implement the Agreement. But it involves here the deep aspirations of the entire Vietnamese people, and the South Vietnamese people in particular, and we also urge the United States Government and the Government of the Republic of Vietnam to also have goodwill and seriousness to implement the Agreement. Otherwise the maintenance and the consolidation of peace will be greatly endangered. This is what the world public opinion is concerned about, and this concern is well-grounded. We should remember the historical lesson of the violation of the 1954 Geneva Agreement between the then Saigon Administration, and the then Saigon Administration was supported and pushed forward by the U.S.

Why do we think it necessary to stress on this point to you? Because all of these points are related to the policy of Washington towards Vietnam, particularly toward South Vietnam. Is it true that the signing of the Agreement has put an end to a period of war and intervention and introduced a period of peace? In our talks we have been referring to a turning point in the relations between our two countries. And this turning point calls for a very important change of direction of our policy.

Today I would like to frankly tell you, Dr. Kissinger and gentlemen, we wonder whether the policy of Vietnamization of the war still continues in South Vietnam. If so, what change have we witnessed and what will the situation lead to? We think that the situation has undergone basic changes; it is an irreversible situation. It is completely different from the situation after the signing of the 1954 Geneva Agreement. It is also completely different from the situation in 1960, and completely different from the situation in 1969. It is now a new situation in South Vietnam, in Vietnam as a whole, in Indochina, and in the world as a whole. The general trend of all countries in this region, the general trend of the world as a whole, is to stand for peace, national independence, and the full respect and implementation of the Paris Agreement.

I say this to show that we, the Government of the Democratic Republic of Vietnam and the Provisional Revolutionary Government

of the Republic of South Vietnam, we have great determination to see that the Agreement be strictly implemented, to see all the provisions of the Agreement be implemented, to see all the chapters come true. And here I emphasize Chapters III, IV, V, and Chapter VIII.

Mr. Special Adviser has just listed a number of so-called violations by our side. We will give consideration to this. We will inform each other in this connection. Because it is our desire to see the Agreement strictly implemented. There are points raised by Dr. Kissinger that astonished me myself. Let me consider these points, and return to them and tell you why I should be astonished.

Here I would like to place emphasis on measures to be taken to implement the Agreement. The military provisions as well as the political provisions, because all the provisions form a complete whole that cannot be dissociated from each other. And speaking of the general spirit of the Agreement, the political provisions have particular importance. These are the provisions of Chapter IV regarding the formation of the National Council for National Reconciliation and Concord, and to advance to the organization of free and democratic general elections, so as to create an organ of power to stabilize the situation in South Vietnam and to consolidate a durable and lasting peace.

However, we have one question to raise: Do the rulers in Saigon want the same thing? It is a very basic question, a very complete question indeed. We are aware of the statements made by the Saigon leaders when the Agreement was not yet signed, and when the Agreement was signed, and until now. These statements prove what is contrary to the provisions of the Agreement.

So I raise this question to you gentlemen, and I hope to know your answer to this question. In a word, the Paris Agreement on Ending the War and Restoring Peace in Vietnam calls for an end to the policies that started the war and to adopt policies that will insure peace. And we do not think the Agreement is only a temporary respite. Therefore, on our part we will do our utmost to implement the Agreement, to have a durable and lasting peace, responding to the interests and aspirations of the Vietnamese people and the peoples of this region of the world.

Thirdly, the third point, regarding the U.S. contribution to healing the war wounds and the reconstruction of the damaged economy of Vietnam. This is provided for by Chapter VIII of the Agreement, and acknowledged in the note President Nixon addressed to me.

In our mind, we think this is an obligation of the U.S. in view of the destruction caused to our country by the U.S. I think this is an obligation including many aspects. Today I would like to lay stress on the moral and honor aspect. How should we evaluate the destruction caused to our country? It is known to everyone that heavy damage

has been caused by bombs and shells to the system of communication in our country, to our seaways, highways, airways, many villages, railways; to the industrial system—including manufacturing, power stations, metallurgical factories, and many other installations; in broad large rural areas with many numerous hydraulic constructions, many public utilities; and other works serving our culture, such as hospitals, schools, museums. I think these destructions cannot be counted in money by these installations.

It is known now that many countries are asking us what they can do now to help heal the wounds of war. We will strongly develop economic relations with other countries on the basis of mutual respect and confidence.

Therefore, today I would like to emphasize on the free disposal of the amount of money to be actually spent, so that we can partly rebuild the destroyed works. Of course, the greater part of the equipment and installations will be bought from your country. And we can agree on other uses and amounts.

This is a very significant question between our two countries. We should solve this so as to wipe out the past and open a new period in the relationship between us. It is not here a pretext to seek what has been obsolete and no longer appropriate. That we will never accept. We would like to build up, to establish, long-term economic and commercial relations with the U.S. on this basis, on the basis of mutual respect. We seek a solution to this point.

Fourth, there remains another question not less important, the question of normalization of relations between the DRV and the U.S. This is the necessary logic of the new situation. Many close allies of the U.S. have adopted an appropriate attitude, and that is to establish normal relations with the DRV.

The normalization of relations between us involves two aspects. First, this is the natural result of the implementation of points which the two parties will jointly implement. At the same time, this will create favorable conditions for the two parties to go forward to fulfill their respective obligations. This consolidates and develops the new relationship, a normal relationship, between our two countries. Therefore we are prepared to discuss this question and to find a specific solution to this question too.

Fifth, there still are some very important questions that arise now. Now on what basis should we envisage the change of direction to the positive prospect I have just described regarding the relationship between our two countries? There should be a practical and solid basis for such efforts and positive prospects. Then, what is this basis? In our view we think this basis should be a realistic and correct assessment of the present situation and the situation in the foreseeable future. This

is the formation of independent, peaceful, sovereign and neutral states in the spirit of the 1954 Geneva Agreement, stable states sufficiently strong to defend themselves and to cope with invasion from outside. So this is some necessary irreversible and irresistible historical trend.

The DRV government fully historically realizes this trend. It supports this trend. It is in our practical and long term interest. And I think that after this war, the U.S. is also concerned about such a trend. Anyone should take into account geographical and historical conditions, taking into account our own abilities and the abilities of other people so as to establish most appropriate conditions for peace and to support the natural independence of other peoples. And the policies and views not appropriate for the present situation should be given up and be avoided.

So I have presented to you five points.

—The first point, the maintenance and consolidation of peace in keeping with the Paris Agreement.

—The second point is the implementation of all the provisions of the Agreement.

—Third, the U.S. obligation to contribute to healing the war wounds and reconstruction in North Vietnam.

—The fourth point is new and normalized relations between our two countries.

—Fifth is our vision of the situation in this region.

So I have raised with you very important questions regarding our two countries. The new conditions created by the signing of the Paris Agreement call for solutions of very important questions. We would like to have a positive solution to these questions. And it is our wish that we can together with the U.S. solve these questions. I have presented rather clearly and frankly these problems to you. I think that this is necessary, for your comprehension and mutual confidence.

Thank you for your attention, Mr. Special Adviser and gentlemen.

We will discuss later the questions of Laos and Cambodia.

Mr. Kissinger: Mr. Prime Minister, I have listened with great attention to your exposition, which gave a very frank and comprehensive statement of your views. We will study it with the greatest care. But let me make a few preliminary comments.

First, there is no difference between us in the formal statements of your principles. We agree completely that the peace should be maintained and consolidated. We agree that all the provisions of the Agreement should be implemented. We have agreed in the Agreement and also in the note which the President has sent to you that we will help in the reconstruction of North Vietnam. We agree that our relations should be normalized, and we agree that Indochina should be com-

posed of sovereign, neutral, independent states with the capacity of defending themselves. And with no foreign troops on their territory.

So we agree on the principles. But I am sure the Prime Minister will agree with me when I say that it is the application of the principles that often causes problems—a fact which my colleagues in the universities do not always understand. [Laughter] I will take the Special Adviser to Harvard with me when he visits America—for my protection. [Laughter]

Le Duc Tho: Maybe the American universities have not understood that, but Mr. Special Adviser has.

Mr. Kissinger: I am sure that the Prime Minister knows that many wars have been fought in the name of consolidating peace. As Clausewitz said, “the aggressor is always peaceful; he would like to enter a territory unopposed.” [Laughter] Therefore, we should when we seriously discuss these principles see if we can also agree on what we understand by the structure of peace. And in fact the Prime Minister came to that point when he discussed his fifth proposition.

Secondly, with respect to the second point, that all the provisions of the Agreement must be respected. We will do our utmost to observe the obligation of the Agreement. But it is also important that all the parties understand, especially with respect to the political provisions, that we are talking about a political process which needs time for maturing. If the Agreement is used offensively, as a constant means of pressure, it will draw all the parties in—because we too have our principles involved. So we have to act as statesmen, with a long view, and have some patience.

With respect to your third point, about the American contribution. We will discuss this problem in detail, I suppose tomorrow. After our discussion of Laos and Cambodia. But I would like to make a general observation today, Mr. Prime Minister. I have the impression from my conversations with the Special Adviser that the Politburo of the Lao Dong party may be highly experienced in political warfare but not with the American political system. I would put it differently but I cannot.

Pham Van Dong: Of course, we cannot be expert in this field. [Laughter]

Mr. Kissinger: I do not say this as a criticism. But it is therefore important that you have some confidence in us as to how to manage this particular contribution question, I mean how to obtain it from our Congress. I know that trust in others is not the most developed Vietnamese characteristic! [The Premier smiles and nods a denial.] And I must say, looking at your history, it is even understandable.

But we must spend some time tomorrow discussing what we can do immediately and what we must have some time to arrange. You

will have noticed that in every public statement I made I have emphasized the importance of the American contribution to reconstruction. The American President called attention to it. But you have also noticed we have had enormous domestic opposition, and you have to let us manage our domestic opposition. If you press us too hard you will jeopardize what we want to do and what we will do.

The Prime Minister said to me when we were speaking outside that, whatever happens, you will stay here and we will be 10,000 miles away. We know this is a fact. So you should not think of this with the attitude that we are trying to trick you. We have a common problem. You should therefore approach it with the attitude that it will happen, that we will carry it out, but that we should work together. We will talk to you about how it should be handled. We have put some booklets together for you that explain the background. And we will even suggest to you when you should mobilize your less precise-minded but very emotional friends in the U.S.—but not yet, it is too early. [Laughter] Don't inflict Cora Weiss on us prematurely. [Laughter]

But, seriously, when we discuss tomorrow we can give you advice too on which groups will be of help and which groups can do you damage. You can ignore our advice.

The problem of economic reconstruction is a very concrete one and we have to work it out. There is no disagreement in principle. We will present to you our analysis of the situation and then we will suggest how together we can deal with it. We stand by everything that has been said before.

With respect to the Prime Minister's fourth point, the normalization of relations, we will discuss with you concrete stages through which the process should go. And we have specific suggestions on how to accomplish this. We agree with the Prime Minister's sentiment, that this should be our objective, and that we should set up and elaborate our means of communication. First at the highest levels, so that we can be sure that we act with full realization of each other's policies, and then even at the technical levels. So we accept the Prime Minister's ideas, and our conversations here will be primarily a technical discussion on how to accomplish it.

With respect to your fifth point, the future of Indochina—that Indochina should be composed of independent, neutral and sovereign states. This is our policy. And it will be our basic policy. We would only say that each of the states should also recognize its fallibility and no state should claim that it alone knows the content of sovereignty, independence, and neutrality.

So we have achieved theoretical agreement on these five points, and we have pointed out some of the ambiguities and difficulties. And

we are prepared to discuss them in whatever order the Prime Minister proposes to discuss them, or to move on to other topics.

Pham Van Dong: Yes, we will probably return tomorrow to the questions of implementing the Agreement, and after that the question of Laos and the question of Cambodia, and then the U.S. contribution to the healing of the war wounds, and then the normalization of relations between the two countries and the methods of communications. As to the views regarding the countries of this region, we can discuss this whenever we wish.

Mr. Kissinger: This will emerge from the practice of how we act with respect to the countries of the region. May I say one thing with respect to, especially Laos, but Laos and Cambodia: We have the firm intention of using our visit here as an opportunity in America to make clear that a new phase has begun in our relationship. This cannot be very convincing if clear understandings and clear provisions of the Agreement are not being implemented. And therefore there is some urgency to meeting the deadlines we have agreed to.

Pham Van Dong: I agree with you on that point.

Mr. Kissinger: We will be prepared to discuss it with you tomorrow if that is the Prime Minister's preference.

Pham Van Dong: Tomorrow then.

Mr. Kissinger: All right then. My Laotian expert points out correctly that if we don't do it in the morning, it will be the 12th before we know it. For all we know they may have signed a ceasefire this afternoon.

Le Duc Tho: And so since we have had an understanding with you previously, we will discuss this question with you tomorrow and there will be a rapid settlement. The other understandings will be quickly settled as quickly as we have today. [Laughter]

Mr. Kissinger: The Special Adviser must remember that his powers of persuasion are greater than mine. [Laughter]

Le Duc Tho: It is not necessarily true.

Pham Van Dong: So we adjourn now, and I hope Mr. Special Adviser and your party that you should have a good first night in Hanoi and a good sleep. Tomorrow we will meet at 10:00.

Ambassador Sullivan: Hanoi time.

Vice-Minister Thach: Indochina time.

Mr. Kissinger: The Special Adviser, knowing my tendencies, put 9:00 on my schedule so I would be here at 10:00. Let me express our appreciation for the manner in which we have been received for the seriousness of our discussions, and for the spirit in which they have been carried out.

[The meeting adjourned at 6:22 p.m.]

[After the reception and dinner that evening, the U.S. sample compilation of known POWs not on the DRV and PRG lists was handed over, Tab C.]

51. Memorandum of Conversation¹

Hanoi, February 11, 1973, 10:08 a.m.–1 p.m.

PARTICIPANTS

Pham Van Dong, Premier
 Nguyen Duy Trinh, Deputy Premier and Minister of Foreign Affairs
 Le Duc Tho, Special Adviser to DRV Delegation to Paris Conference on Vietnam
 Nguyen Co Thach, Vice Minister of Foreign Affairs
 Phan Hien, Member of DRV Delegation to Paris Conference on Vietnam
 Tran Quang Co, Member of DRV Delegation to Paris Conference on Vietnam
 Dinh Nho Liem, Ministry of Foreign Affairs
 Nguyen Dinh Phuong, Interpreter

 Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
 William H. Sullivan, Assistant Secretary of State for East Asia and Pacific Affairs
 Richard T. Kennedy, Senior NSC Staff
 Winston Lord, NSC Staff
 Peter W. Rodman, NSC Staff
 David Engel, NSC Staff, Interpreter
 Miss Irene G. Derus, Notetaker

Pham Van Dong: How shall we work today, Mr. Adviser?

Dr. Kissinger: I thought, Mr. Prime Minister, we would finish our discussion on the implementation of the Agreement, then turn to Laos and Cambodia, and then turn to economic reconstruction. And then today or tomorrow morning on the International Conference, then tomorrow normalization.

Pham Van Dong: I would like to suggest that regarding the International Conference, Mr. Thach and Ambassador Sullivan should work out beforehand to save time for us. This is what we should do.

Dr. Kissinger: I think the Prime Minister has more confidence in his Foreign Ministry than we do. [Laughter]

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 113, Country Files, Far East, Vietnam Negotiations, Hanoi Memcons, February 10–13, 1973. Top Secret; Sensitive; Exclusively Eyes Only. The meeting was held at the DRV President's House. All brackets are in the original. The tabs are attached but not printed.

I have great confidence in Ambassador Sullivan. I agree. I think it is a good idea. I think perhaps they can meet today.

Pham Van Dong: Now, regarding the implementation of the Agreement. Before the Special Adviser Le Duc Tho presents the cases of violations happening in South Vietnam, I would like to speak a few words.

Yesterday I listened very attentively to what Dr. Kissinger told us and we considered the questions you raised yesterday. And today we think it necessary to express some remarks on these points—particularly in the face of the very serious cases of violations by your side.

Regarding North Vietnam, yesterday Dr. Kissinger mentioned the question of the delay in the removal of the mines in North Vietnam. Actually this is a delay that we cannot understand, and this is what we urge the United States mainly, together with us, to solve this question as soon as possible. Mr. Special Adviser said that this is a technical question. [Laughing] I think that techniques should serve the implementation of the Agreement! There is no reason that delays should happen because of the technical questions, and I think that this can be done very rapidly and this should be done very rapidly now.

Moreover, Dr. Kissinger raised two questions on which I would like to express a few remarks. First, you said that after January 28—that is the day when the ceasefire comes into force—there would be no U.S. air activities over North Vietnam. But actually there has been air activity, reconnaissance activity, over North Vietnam.

Dr. Kissinger: What?

Pham Van Dong: Air reconnaissance in the air space of the Democratic Republic of Vietnam.

Dr. Kissinger: I don't want to interrupt you, Mr. Prime Minister, but can you give me the dates and places and times?

Pham Van Dong: Yes, I will furnish you with details.

Dr. Kissinger: We will look into this very seriously. And every time if there is such an event, if you notify me. There shouldn't be. And I will investigate each event and I will give you a report as we receive it, through our channel in Paris. This will be an official communication, but a confidential one. I will send you a report as soon as I return.

Pham Van Dong: I agree this way of doing. Regarding the U.S. warships moving far from our coasts, this is a question we still suspect. [Laughing] I say so because we have no means to ascertain, to locate, the position of your ships. Moreover, in the sea the ships are moving all the time. But I suggest these questions to draw your attention.

Dr. Kissinger: You can be sure we are carrying this out. Except for the one carrier about which we notified you, with your agreement. I

also want to tell the Prime Minister while we are talking about aircraft carriers, that as a sign of good will we are reducing the number of aircraft carriers in this area by April 15 by half. I told this to the Special Adviser many months ago, that we would do this. This is not an understanding.

Pham Van Dong: Mr. Adviser, let me speak about the violations in South Vietnam. It is known to everyone that in South Vietnam there have been very serious violations and general violations being committed by Saigon rulers. And I think that this is also known to the U.S. too. Because the Saigon authorities actually do not want peace. They do not want such Agreement on Ending the War and Restoring Peace, and reluctantly they did sign the Agreement. And as I told you yesterday, Mr. Adviser, that before the signing the Agreement and when the Agreement was signed, and after the signature of the Agreement, the Saigon authorities made a statement, and after the statement they come to actions that violate the Agreement very seriously and very violently.

On this subject, Mr. Le Duc Tho will express our views and give evidences. And we will adopt an official attitude regarding these violations.

But here I would like to point out the bad treatment given by the Saigon authorities to our people and to the people of the PRG participating in the Four-Party Joint Military Commission. There has been now a shock in the world public opinion regarding this action. What can justify such actions on their part? Who can justify such actions? And these violations, these actions, evidenced that the Saigon authorities do not want to implement the Agreement. And so in order to prevent the activities of the Four Party Joint Commission the best way is to commit violations as they like. They went so far as to use hooligans to mishandle our people and the people of the PRG.

I would like here to ask you one question, Mr. Adviser. Such actions carried out by the Saigon authorities, have they any relation to Washington or not? To my view, Saigon is closely related to Washington. This you know better than I do. No one can think that without the green light given by Washington the Saigon authorities can commit these actions. Who can deny this fact?

The Saigon authorities even stated that if this state of violations—the so-called violations of the Agreement—increased, then it might lead to the return of American troops. And there are some supporting statements from Washington too. What does it mean? We wonder whether you want to return to the situations of the 1960s. I think that those are questions that need some answers. We are honest people and we will remain honest people. Therefore, we would like to know these facts, to be honest with you.

Here I should say a very simple statement. That statement is reflected in one saying of the Vietnamese language and also in other foreign languages too: That is, to shout for help while you put fire to houses; a thief crying stop thief.

I think I have briefly but rather fully expressed my views regarding the great seriousness of the violations committed by the Saigon authorities.

As for us, we will definitely implement the Agreement, and we think that this is a correct course of action beneficial to you too. Therefore, I think we should discuss this question, and by any means to redress the situation.

Dr. Kissinger: Should I make a few comments, Mr. Prime Minister?

Pham Van Dong: Yes.

Dr. Kissinger: Before the Special Adviser overwhelms me. [Laughter] I see he has a long list. I don't know how the Special Adviser behaves in the Politburo but with me he is always on the attack. [Vietnamese laugh]

The Special Adviser [the Premier] has raised really three questions: One, the alleged violations in South Vietnam; secondly, the American relationship to these violations; and third, the long-term intentions of the U.S. with respect to the Agreement.

First, with respect to the violations which the Prime Minister has mentioned. As I have quite candidly pointed out to the Prime Minister yesterday, as reporting officer [Colonel Loi] may both produce persecutions and suffer from an exaggerated impression of being persecuted. But leaving aside the fact that we are both dependent on reports—perhaps you get too many and in the absence of our advisers we get too few . . .

Pham Van Dong: [Laughs] It is a very dangerous statement.

Dr. Kissinger: [Laughs] It is a subjective statement.

Le Duc Tho: And you also lack means of communication.

Dr. Kissinger: And it is difficult for us to get full reports.

Because one of the penalties we pay for the withdrawal of our advisers, first from the districts and soon from the provinces, is that we no longer have firsthand information.

But still, leaving this aside, let me state our position. We cannot approve actions of hooligans against members of commissions that are created by the Agreement to End the War and Restore the Peace in Vietnam. I can tell the Prime Minister that we have already made an official inquiry at the Foreign Ministry in Saigon about this incident. I have also asked Ambassador Sullivan, when he goes to Saigon after we leave here to investigate personally the charges of inadequate

accommodations by the DRV delegation and to use our maximum influence to see to it that you are treated in a manner that is consistent with the spirit of the Agreement. We shall communicate our actions and the results of this through our confidential channel.

This then is also an answer with respect to the American attitude about the Agreement.

We made the Agreement very seriously, and we have made a fundamental decision to do our utmost to bring about peaceful conditions in Vietnam and in Indochina. I think that your side has consistently overestimated the detailed influence we have over every action by Saigon. If you listened to the Saigon radio and read the Saigon newspapers about me, you would realize that our influence is not complete! We in any event will use our influence that the Agreement is seriously implemented. We shall investigate your complaints and give you our honest judgment, because we want to deal with you on the basis of complete honesty.

Now the Prime Minister also asked indirectly about our future intentions. And one difficulty in communicating is that the people who talk most in America know least. Especially the journalists whom the Special Adviser confused so successfully for four years. [Le Duc Tho laughs]

But let me therefore tell you authoritatively what we intend. And I think you have some experience with us in this respect. We seriously want to implement the Agreement. We seriously want to improve our relationship with the Democratic Republic of Vietnam and we want to put our relationship with your government on an entirely new basis. And for this reason, we shall handle the most important part of our relationship directly from the White House—something we do with very few countries.

On the other hand, it is also important that there is a condition of tranquility now in Indochina. For example, if these military actions in South Vietnam continue—of which I gave you a list yesterday—then obviously the replacement of arms will be greater than if they do not continue. And we will be drawn into military support which otherwise would not occur. I speak now of equipment. If this movement of tanks and this movement across the Demilitarized Zone which I pointed out yesterday—and for which I would very much appreciate an answer—continue, then our ability to implement Article 7 at all is going to be drawn into question. If there is a massive attack, we face the danger of a repetition of the events of 1972—as I told the Special Adviser for many years before 1972.

But our fundamental intention is to normalize our relations with you. What we would like to see is a condition where in a year it would be unthinkable that we two speak to each other about military threats

against each other. History will not stop with this Agreement. There will be an evolution in Indochina. If the evolution proceeds by peaceful means, the United States will never use force to interrupt it. The U.S. will not oppose the normal political forces. I think frankly that if we establish a relationship of confidence, this evolution can occur in a direction that is beneficial to all of the people and that is not inconsistent with your principles.

This is the perspective as we see it now. We shall work with great energy on the improvement of our relations. We shall not look for excuses to resume a military contest. [The Premier nods]

I don't know whether this answers your question, Mr. Prime Minister.

Pham Van Dong: I should like to wait. [He laughs, and turns to Tho.]

Le Duc Tho: So I have negotiated with you, Dr. Kissinger, and since my return here I have been following the implementation of the Agreement. When we terminated our negotiations in Paris, I told you that all the parties signatory to the Agreement must strictly implement the Agreement. That is the requirement to insure the relationship between our two countries not only in the immediate but for long-term period to come. And also this is the way to insure lasting peace to Indochina and in this region.

Then I added that we had had many experiences in this connection in the past. When we were working on the Agreement, Mr. Special Adviser repeatedly told me that you had no complete authority over the Saigon Administration. So I answered that in fact to some extent there is some contradiction between the Saigon Administration and the United States but the final decision is made by the United States. Therefore, in spite of the objection of the Saigon Administration, finally they will have to sign the agreement.

Now regarding the implementation of the Agreement. In fact, Saigon has some actions to oppose the Agreement, but the ultimate responsibility lies with U.S. As far as we are concerned, since the signature of the Agreement our Government and the Central Committee of our Party issued a statement and made many statements, verbal statements, which are known to you, of what course we are now taking, what policy, what direction we are going forward. Our policy now is to hold aloft the banner of peace and the banner of national concord and reconciliation; to achieve independence and democracy for South Vietnam and then gradually to advance toward the peaceful reunification of the country, so as to maintain lasting peace. That is why in connection with specific questions—for instance, the question of the prisoners—since the signature of the Agreement we have implemented all the provisions of the Agreement. Including the understandings we made

with you regarding the prisoners question, we have implemented all the provisions. But there are many violations on the part of your side, particularly on the part of the Saigon Administration.

Dr. Kissinger: Are there any by the U.S.?

Le Duc Tho: I would like to speak about the U.S. responsibility only. As to the troops withdrawal, the ceasefire, I acknowledge that the U.S. has faithfully implemented the Agreement. But I would like to emphasize on the main responsibility of the U.S. But it is not my intention here to come here and to exchange lists of cases of violations by the other side. My intention is to present this so that we realize the problem and so we can take necessary measures to prevent the recurrence of such violations.

As our Prime Minister has just said, what the question is here is the policy followed by the Saigon authorities. Their policy is to oppose the Agreement, but once the Agreement is signed they are opposed to the implementation of the Agreement. This policy is reflected in the statements made by the Saigon authorities on many occasions. They even issued orders and directives for the repression of our people and they launched nibbling attacks against the areas under the control of the PRG.

Dr. Kissinger: Why is it they lost 332 hamlets in the first few days of the ceasefire? They nibbled backwards.

Le Duc Tho: The question is that when the war was still going on, the ceasefire wasn't effective yet, then both sides were free to carry out activities. But once the ceasefire became effective, then if one side launches attacks against the other then the war will gradually develop and return to this.

Dr. Kissinger: I agree.

Le Duc Tho: But once the ceasefire became effective, neither side has the right to launch attack against the other side. That would be a violation of the Agreement. But here the Saigon authorities launched military operations with the size of one battalion or four battalions; even in some cases they mobilized even a brigade, for instance in the case of Cua Viet, with the incorporation of armored vehicles and aircraft, or in the case of Tay Ninh Province they mobilized air operations to bring into the battle.

Dr. Kissinger: No, I think that one use of my being here is so we can talk honestly with each other. In Cua Viet I think you have a point. In Tay Ninh you tried to take the city just before the ceasefire, and after the ceasefire, and of course they had to react. You tried to do in Tay Ninh what they tried to do in Cua Viet. Both were wrong. This is my honest opinion.

Le Duc Tho: No, but regarding Tay Ninh the PRG forces launched attacks against Tay Ninh before the ceasefire became effective. But

when the ceasefire became effective Saigon should have stopped their attack but the Saigon forces tried to recapture Tay Ninh.

Dr. Kissinger: Exactly the same as Cua Viet. The Saigon forces took Cua Viet before the ceasefire and then you attacked afterwards and knocked out 27 tanks, which is a violation, and you pushed them back. I think it is exactly the same situation and frankly this is why we haven't said so much about Cua Viet, because we recognize the problem. As long as I am here, I think . . . when the diplomats talk to each other in Paris they can speak in a very complicated way, but I think while I am here we should be very honest with each other.

Le Duc Tho: No, besides the major violations, the significant cases of violations, there was continuous artillery shelling by the Saigon side, and some places up to 2,000 rounds of shells, 3,000 shells daily on the areas of the positions of the PRG forces, particularly in Quang Tri, and the plain of the 5th zone, and the Mekong River. Moreover, there are cases of repression of people who went to a meeting to maintain the peace, in spite of the provisions of the Agreement that prohibit reprisals and terrorism against the people after the ceasefire became effective. Moreover, there were many police operations around Hue city, hundreds of police operations to terrorize and to arrest, to round up the population. Then the harsh control of the population within camps of concentration continues, that prevents the free movement of the population. There is no insurance for the democratic liberties of the people and the prohibition of terrorization against the people, in spite of the provisions of the Agreement. And I have just pointed out some cases, important cases, of violations, but there are many, many cases of violations. The point is, what measures are to be taken to prevent such violations? This is more important.

Dr. Kissinger: What does the Special Adviser suggest?

Le Duc Tho: I think that now either side must now strictly implement the provisions of the Agreement—regarding the ceasefire, to put an end to all military actions, to put an end to all terror operations, and arrestations among the people. So either side should immediately issue orders to immediately put an end to such actions. And then each side should facilitate the deployment of the men of the ICCS, of the Four Party Joint Commission and the Two Party Joint Commission to the various localities, to facilitate the work of the various Commissions. This is also very important.

But now the activities of the ICCS and particularly the activities of the Four Party Joint Commission are meeting with tremendous difficulties.

First, regarding the procedures of work, they are creating difficulty regarding the activities of these commissions. The procedures create a difficulty for the activities of the Commissions. They are located in

military camps, and the military camps have regulations that outsiders cannot enter the camp and insiders cannot go out of the camps. So these delegations of these commissions are not in a position to carry out their activities. They have not enough means of transport for their movement. And particularly the means of living are not sufficient for them. Their rations are not sufficient.

Dr. Kissinger: Their food?

Le Duc Tho: Their food. Even the American press is speaking about their lack of food. They are also prevented to go out and to buy food. I was in prison. I have now the impression that they are also in prison now. I read to you a dispatch from our Commission: "One of the Americans, a UPI journalist, who supplied food to our delegation in Hue, says this. This American complained to other journalists. He came to the camp and saw it. No means at all. There were mats on the floor but even he does not want to lay his skin to sit on these mats. Food is not sufficient. He expressed his views, that suppose now he and the other Vietnamese were fighting and now the fighting ends and the other Vietnamese came to his house, he would not put the Vietnamese in a pigsty." So he concluded that the DRV military delegations are meeting with real difficulties and their living conditions are very bad. They are prevented to move freely and they are prevented to get in contact with other people, with journalists. Some journalists had contacted them and then their press cards were withdrawn.

There was even the case of a major violation, such as at Ban Me Thuot. The delegation and eight persons were wounded; the chief of the delegation was wounded too. The Central Four-Party Joint Commission wanted to send a team to investigate but the team could not go to the place because of the prevention of the military police. So those actions have paralyzed the Four-Party Joint Military Commission, particularly the delegation of the DRV and the delegation of the PRG.

It is unimaginable that the Joint Military Commission is meeting with such difficulties and has received such treatment. You will see when American delegations come into North Vietnam to deal with the question of prisoners, you will see what treatment we will reserve to them. And therefore we think that you are responsible to some extent for such actions by the Saigon authorities.

So, in a word, to strictly implement the ceasefire and to prevent such violations, I think that both sides should issue orders for a complete end to military actions and create favorable conditions for the activities of the Four-Party Joint Commission and the International Commission, and promptly set up the Two-Party Commission, so that these Commissions can carry out their activities. And moreover, to arrange more convenient accommodations for the Four-Party Joint Military Commission, and not to leave them in military posts or military camps. It is not convenient for their activities.

Now, regarding the troop withdrawal, the dismantlement of the military bases and the removal of obstacles on the road.

Regarding the withdrawal of U.S. forces and the dismantlement of American military bases: Under the protocol, the withdrawal of U.S. forces and the removal of U.S. military bases should be carried out under the control of the Four Party Joint Commission and the International Commission too. But such control is impeded now. They cannot carry out that control.

Regarding the removal of obstacles on the roads, it is in keeping with the protocol that such obstacles should be removed, but to be removed to allow the movement of the civilian population, not for the recapture of territory. But the Saigon Administration availed themselves of the removal of obstacles to enlarge their role, to capture ground, and then the PRG forces have to oppose them and then there are clashes.

Dr. Kissinger: Even places where they never were before? We are under the impression that the PRG is putting up obstacles where they never had obstacles before. My complaint yesterday wasn't about old obstacles—which they are also removing—but I am now concerned about new obstacles.

Le Duc Tho: But the obstacles are put because of the Saigon authorities trying to enlarge their area of control; therefore the PRG has to put up obstacles to prevent them. This is the actual situation. But if there is respect of the Agreement by both sides, then this will not happen.

The fourth question is about the introduction of armaments into South Vietnam, Laos and Cambodia. When the war was going on, the question does not arise at all. But after the ceasefire became effective we respected the Agreement. So we respect the provisions of the Agreement regarding the prohibition of introducing of troops, armaments, war material into these countries. [Thach corrects him] Into South Vietnam. But here it is civilian supply to these troops.

Dr. Kissinger: Are you bringing that in in tanks now?

Nguyen Co Thach: To the local population, to the civilian population.

Dr. Kissinger: Are you bringing your supplies in tanks now? I wondered whether you discovered a new way. [Laughter]

Le Duc Tho: Since the ceasefire we will implement the provisions of the Agreement. But on February 5th the spokesman of the U.S. State Department declared that the U.S. would continue to give military supplies to Laos and to Cambodia under Article 20 of the Agreement. Article 20 of the Agreement prohibited such supplies; it prohibited the introduction of troops and war materials into these countries. But if now the U.S. does that, then it would be a violation of the Agreement.

Moreover, then we will have to do the same toward our friends, and the Agreement will be violated. So we both should respect the Agreement.

Now regarding the return of captured military personnel and Vietnamese civilian detainees.

Regarding the question of prisoners, we know your concern about American prisoners and civilians, not only in Vietnam but also in Laos and Cambodia. I have explained to Mr. Adviser at length regarding the question during our negotiations and in our private talks. So it is definite question that we will implement the Agreement regarding the American prisoners, military personnel and the civilians, captured in Vietnam, and we have agreed with our ally in Laos that all American prisoners, military and civilian, will be released. Mr. Adviser said that we correctly implement the Agreement but the Pathet Lao seems to hold back some prisoners. But I can tell you that we have discussed the questions with our ally and we have agreed with them that all of the prisoners will be released. You should understand that definitely all the prisoners will be released and the list we gave you is complete. But there are prisoners who died or who escaped from prison and after so many years of war they are living in jungle areas. So the investigations will be continued, and we will supply.

Regarding the prisoners of war of the two South Vietnamese parties, the Saigon Administration published the number of prisoners of war as 40,000, but now the list they give was 28,000 only. Now they gave the list of prisoners to be released in the first stage: they will release only 2,000. So it is not in keeping with the protocol that [which requires that] one-quarter of the total number of prisoners should be released within the first 15 days.

Dr. Kissinger: Are you sure? They told us they would release 7,000.

Nguyen Co Thach: They gave us the number, 2,000 prisoners of war. Even if they release 7,000 it is not correct, because the total number is 40,000.

Le Duc Tho: But 10,000 prisoners they said will not be returned, under the pretext that these 10,000 people have rallied to the Saigon side. It is not correct. It is contrary to the Agreement, because all those people should be returned.

Regarding the civilian detainees, they say that they are holding only 2,000 civilian detainees. It is too small a figure they gave, in comparison to the total number they are holding.

Dr. Kissinger: Where do you get all these figures? They told us they were releasing 5,000, so they must have told you more.

Nguyen Co Thach: This is the figure they gave during the meeting of the two South Vietnamese parties.

Le Duc Tho: They told us within the Joint Military Commission that they are holding only 2,000. They say that they did release a

number of them, just release and not return them. You said that they would release 5,000 but so far we have no information on that. Under the Agreement those civilian detainees should be returned, and not just to set them free.

Regarding the removal of mines. In this connection, when I was still in Paris the discussion of this question dragged on. There are some technical difficulties in this, but the main reason is that they dragged on the discussion, moving very slowly, so it would need 70 days for the removal of mines in Haiphong.

Dr. Kissinger: Forty, I am told.

Le Duc Tho: It will take thirty days to bring their equipment, ships, means for removal, and it will take forty more days for the removal so it is 70 days.

Dr. Kissinger: I understand.

Le Duc Tho: But for all other places it will need six months for the removal. As to the mobilization of means for the removal, they will proceed from one area to another. For instance, after the removal in Haiphong they will move to another area instead of carrying out the removal simultaneously in all areas.

So this is what we have to raise, the specific cases to raise regarding the implementation of the Agreement that is not strict implementation.

By the way, I would like to raise another question related also to the Agreement; that is the two-party talks in Paris. Now they are discussing the procedures.

Dr. Kissinger: You mean the two Vietnamese parties?

Le Duc Tho: Yes, the two South Vietnamese parties. They are discussing the procedures. They have agreed on some questions. But we should draw the experience we have got regarding the Four-Party Joint Commission. Now the Saigon side also proposes to shift the two-party talks to the Tan Son Nhut base.

Dr. Kissinger: Wherever you want them. I thought yesterday you wanted them there.

Nguyen Co Thach: In Saigon, at Tan Son Nhut base.

Le Duc Tho: They wanted them in the concentration camp.

Dr. Kissinger: President Thieu lived in a concentration camp and Vice President Ky. I think he wants Madame Binh close to him.

Le Duc Tho: I pointed out this question to show the difficulties. Regarding the procedures only, they have met with difficulty already, let alone the substance they have to discuss. So our Prime Minister has expressed the general views and I myself have pointed out specific cases. We have no intention to debate them here, but we would like to point them out so that both sides pay attention to the situation to

insure correct implementation of the Agreement. Because since the signing of the Agreement and the coming into force of the ceasefire, there have been many cases of violations on the Saigon side. But I think that in the coming period we both will endeavor to stop all violations. Maybe they will not be completely ended, therefore when some cases happen I will inform you. And if some cases come to your knowledge you will inform us so that we both pay attention to this. So I have finished now. Regarding the specific cases of violation I will give you also a list of them for your information. [In a subsequent private meeting, Tho gave Dr. Kissinger the list at Tab A.]

Dr. Kissinger: Mr. Special Adviser, let me make a few comments on what you have said. I would like also to ask some questions. First, I want to repeat that we will investigate very seriously every violation you report to us, and if the reports are accurate we will do our utmost to remedy them.

Now, with respect to military actions I agree with the Special Adviser that we should issue orders that they should cease. Of course, our forces have stopped their military action. So we will use our influence with the Saigon Government and we will use the lists you give us. But we would also like you to see to it that both the PRG and the “so-called North Vietnamese forces” stop their actions. So we agree with your proposal.

Le Duc Tho: I agree, Mr. Special Adviser, but I make the following concrete proposal. The order should be issued by the Four-Party Joint Military Commission; it will discuss and will issue the order. No, each party in the Commission will issue the order. I repeat, the Four-Party Joint Commission will discuss the question and the various parties will issue the order.

Dr. Kissinger: We agree. Are you sure that Colonel Loi agrees? Will Colonel Loi agree? [Laughter]

Le Duc Tho: Yes, he will agree. Have you any other questions?

Dr. Kissinger: Yes, I have some more points. They will discuss this on Tuesday, the 13th, or Wednesday the 14th, because we have to communicate with Washington and then Washington with Saigon. We cannot communicate directly from here to Saigon.

Le Duc Tho: The 14th then.

Dr. Kissinger: The 14th then. Let me recommend the 15th, because Sullivan will get there on the 14th and he can supervise it for us.

Le Duc Tho: That is all right.

Dr. Kissinger: [Confers with Sullivan]: No, he gets there the 13th. So the 14th.

Le Duc Tho: Yes. But I would like to recall to you that, besides that, favorable conditions should be created for the activities of the Four-Party Joint Military Commission and the ICCS.

Dr. Kissinger: I come to this next. With respect to the conditions of the ICCS and the Four-Party Commission, we strongly favor that their working and living conditions are adequate to their position and in conformity with their dignity. I will charge Ambassador Sullivan with making a personal investigation when he comes to Saigon. We have no interest in impeding the work of either Commission, and we strongly favor, as you remember from our talks in Paris, adequate facilities to make them able to perform their regular mission. Now where they should live we will have to consider, but they should have freedom of movement to perform their tasks. They must have decent living conditions and decent working conditions, and this we promise you we will look into and bring about if it does not exist. And if this UPI reporter reported correctly we will see to it that it is remedied immediately.

Le Duc Tho: Now regarding the wounded people, our people. Now Saigon authorities acknowledge it and express their regret. These people should be well treated because some of them are seriously wounded.

Dr. Kissinger: There is no excuse and this should not happen again. We will give no encouragement whatever to acts of hooliganism.

Le Duc Tho: And if this continues it will arouse deep indignation among our population.

Dr. Kissinger: I think, well, it should not continue. Now introduction of military equipment with respect to Laos and Cambodia. We will strictly observe the 1954 and 1962 Agreements and the Agreement to Restore Peace in Vietnam. But I would like to point out, if I may, that of the tanks that I mentioned to you yesterday, twenty-seven are going to Cambodia—yours. And we still have no explanation where the other 229 are going to go, but wherever they are going they are in violation of the Agreement.

Le Duc Tho: If there are tanks they are old tanks, which started before the ceasefire within this area. Before the ceasefire, not newly introduced tanks.

Dr. Kissinger: But they can't be introduced into either Vietnam or Cambodia after the ceasefire.

Le Duc Tho: No, those tanks had been in the area before the ceasefire.

Dr. Kissinger: We have diverted some ships that were heading for Vietnam in observance of the Agreement, so it cannot be . . . I must tell you in all seriousness that if these movements continue the whole Article 7 will be destroyed.

Pham Van Dong: I think that what Dr. Kissinger said yesterday and he insists today has no ground at all. Maybe it is based on incorrect information or purposefully made incorrect.

Dr. Kissinger: It is based on our information. We are not getting it from others.

Pham Van Dong: For instance your statement yesterday that there was war material transported on the shore over Duc Pho. I can now answer you definitely now there is no such action, therefore there are some facts here which are not sufficiently grounded. After the ceasefire becomes effective we have no military transport at all.

Dr. Kissinger: How about the 175 trucks enroute over Route 1068?

Le Duc Tho: We can assure you that we strictly implemented Article 7 prohibiting all introductions of troops, armaments and war materials into South Vietnam. But regarding civilian supply—rice, foodstuffs—to the population of the liberated areas in South Vietnam, we shall continue. There is no reason we leave this population in hunger, so it is something very normal.

Dr. Kissinger: That is a lot of rice, 175 trucks. But one way of solving the trouble—and in fact an essential way of solving the problem—is to designate rapidly the legal points of entry.

Le Duc Tho: I agree with you.

Dr. Kissinger: We have proposed three, the GVN has proposed three, and I have not received a report from Saigon whether they have been accepted or not.

Le Duc Tho: When the protocols were under discussion it was decided that 15 days after the entry into force of the ceasefire the two parties would discuss the question of points of entry. But two or three days ago we reminded the PRG about this question, and they did discuss this at the Two-Party Joint Commission.

Dr. Kissinger: Because we have to send some replacement equipment in and we want to do it under international supervision. But if they cannot agree we will just have to designate a point and invite the International Commission to come there.

Le Duc Tho: The two South Vietnamese should agree on that point and they will have the same number of points of entry. Moreover, this question has been provided for by the protocol already, and in our view this is not a difficult question.

Ambassador Sullivan: If those trucks come through a legitimate point of entry, a designated point of entry, then we will know it is civilian goods on board and we won't be suspicious that there are military goods on board.

Le Duc Tho: So the two South Vietnamese parties should discuss and decide on the points of entry.

Pham Van Dong: And at the same time a series of important problems should be settled regarding the liberated regions under the control of the PRG.

Dr. Kissinger: Yes, but if there are no legitimate points of entry then all of the provisions become ridiculous. Because you can simply say it's civilian, not send it through a legitimate point of entry, and the whole Agreement becomes ridiculous.

Le Duc Tho: That is the reason why the points of entry should be immediately decided upon. And therefore we recently reminded the Two-Party Joint Commission to discuss immediately this question, because under the protocol this question should be decided within 15 days after the ceasefire.

Dr. Kissinger: Exactly.

Le Duc Tho: And I think you, too, should tell the Saigon Government.

Dr. Kissinger: We told them. They only want three places, and they have already given them.

Le Duc Tho: Now this is before the ceasefire. Now after the ceasefire the other side should forward proposed points of entry.

Dr. Kissinger: But our side has put forth points of entry and your side has not put forth points of entry. Because this would remove . . .

Pham Van Dong: This will be discussed within the Four-Party Joint Commission.

Dr. Kissinger: Let us settle it on the 14th when Sullivan is in Saigon.

Pham Van Dong: Regarding this question I would like to add a few words, regarding the implementation of the Agreement. The questions we have discussed here, if they are implemented, they will have practical significance. But I would like to speak in a more comprehensive way, regarding the respect of and the implementation of all the provisions of the Agreement. Definitely all the provisions of the Agreement and of the protocols must be implemented and within the time frame provided for in the Agreement. And also the bodies provided for in the Agreement should be also respected. Yesterday, I have addressed this question. Today I would like only to lay emphasis on it.

First, all the parties should voice or should evidence their desire to implement and to respect the Agreement, for the reason that they have signed the Agreement, but also for the reason that they are concerned with this implementation. Because this involves the whole interest of the implementation. It is a very basic point. Without such a desire to implement the Agreement it would be very difficult. As far as we are concerned, we say that we have such a desire. We also say that we doubt the desire on the other side, on the side of the Saigon authorities, and I also say that Saigon is related to Washington. So this is a correct theory about that.

Secondly, the whole Agreement must be implemented, all military provisions and all political provisions. In other words, all Chapters of

the Agreement. Chapter II, Chapter III, Chapter IV, Chapter V, and the other chapters. And all these chapters are related to Chapter I. There are provisions that must be implemented within 60 days, other provisions must be implemented within 90 days. So if now within 60 days or 90 days all the provisions in the Agreement and in the protocols have been implemented, then it would be a very big step that would insure the continued implementation of the Agreement.

Therefore we both should make very big effort in this. So the third point is that to insure the implementation of the Agreement, all the parties concerned—that is to say, the four parties and we here, the two parties—should be determined and take appropriate measures to insure the implementation of the Agreement within the framework of our responsibilities.

And after presenting your views, Dr. Kissinger, you asked me what is our view. I could not give a definite answer yet. Just like your statement after the presentation of Mr. Le Duc Tho. So I said you should have to wait; actually you should wait and see. For instance, you say that you have some influence over the Saigon Administration, so far I understand you, to some extent only. I don't know whether I have correctly understood you. If so, it would be an open door for violations. Is it correct or not?

Dr. Kissinger: It is not an open door for violations.

Pham Van Dong: Or half open and half closed door?

Dr. Kissinger: Neither half open nor half closed. But it means we cannot assume full responsibility for the actions of another government, any more than you have been willing to assume responsibility for the actions of your allies. But we will exercise our influence.

Pham Van Dong: Theoretically it is so.

Dr. Kissinger: No, practically it is so; theoretically it is not so important. But this does not mean that the Saigon Government has the right to violate the Agreement. It has full responsibility to carry out the Agreement.

Le Duc Tho: And of course I think that Washington should bear all responsibility regarding all of what we are talking about here. It is easy to understand, because you and I have worked out the Agreement. Therefore the implementation is the responsibility of all four parties but the major responsibility lies on you and I.

Dr. Kissinger: We have a major responsibility in carrying out the Agreement. But there is a major contradiction in your assessment. You cannot both want us out of Vietnam and expect us to exercise unlimited influence in Vietnam. We had more influence in Vietnam in 1966 when we had 500,000 troops there. But I was under the impression that the Prime Minister made a big effort to change that situation. [Laughter]

So I think we have to face the realities of the situation. We will assume a major responsibility but you will also have to deal with Saigon directly on some issues.

Pham Van Dong: It is correct. I agree that Washington has a great responsibility, the main responsibility. How big it is, it is up to you to conceive it, but I will remind it to you.

Dr. Kissinger: But may I make one point, just so that you see what your colleague had to put up with for three years. I am speaking very frankly. I have not yet made up my mind about your strategy. In my judgment you have two possibilities. Being Vietnamese you can probably think of five, but I am less complex so I can only think of two.

The two possibilities are these: You can use the Agreement as an offensive weapon, constantly pressing against the margin, maybe beyond the margin, and trying to maneuver us into the position of being constantly on the defensive. Or—I am talking as a professor, because I don't know whether the Special Adviser has told you, he has promised me I could give some lectures at Hanoi University after he has visited America. It is an unwritten understanding. Or, you can carry out this Agreement in a spirit of conciliation, and rely on historical evolution to achieve your objective.

If you choose the first alternative, we will be—you and we—in some position of confrontation, and it will be like after our previous settlement. If you choose the second alternative, you and we can become cooperative and we can go to normalization and even—unbelievable as this may seem—to friendship. And then we can talk honestly to each other, inform each other of our major concerns, and take them seriously into account. And many of these questions will be taken care of by the real forces that may be at work in Indochina. And then we don't have to talk to each other like lawyers, trying to find out who is responsible for this or that. We can deal with each other as statesmen, with a big objective.

Because, as I said to you yesterday, Mr. Prime Minister, the independence, sovereignty, strength and security of the DRV is absolutely consistent with our national policy, and one on which we can cooperate. Two years ago we had to communicate with Peking with handwritten messages passed through a third entity, and we were even more suspicious of each other than you and we. Now, except when the Special Adviser passes through Peking, we have a serious dialogue. He always agitates them against us! [Tho smiles; the Premier does not react.] But seriously, I think that you and we can establish a relationship of equality and confidence, and we will treat you seriously and with great respect, which you have earned.

And I say this only as a digression, to indicate that in my view this is the most important result that could emerge from this trip. We

will do what we can with respect to everything the Special Adviser has mentioned, and we will use our influence. But the most important thing is to understand what each of us can and cannot do, and what we can do together. And this is our serious attitude.

Pham Van Dong: This is what I wanted to speak about, leading to the implementation of the Agreement. Because I think that the strict implementation of the Agreement is of very great importance; it will have great importance, decisive importance, in the establishment of our relationship and the consummation of relations between our two countries. And it will help settle many other questions. It is the spirit we are having. We will resolutely stick to the Agreement and use the Agreement or urge all the other parties to observe the Agreement. This is how I understand your first view. And thence I go to the second view, that is to say the good relationship between our countries. I see no contradiction in our view. [Laughter]

Le Duc Tho: Mr. Special Adviser said that there are two possibilities. Actually we say that there are two possibilities but in our conception the two possibilities are slightly different from your two possibilities. Our first possibility is that the Agreement is violated, is sabotaged, and the second possibility is that the Agreement is strictly implemented. As far as we are concerned, we adopt the second possibility and maintain the Agreement. But the maintenance of the Agreement is offensive against what is sabotage or undermines the Agreement, to maintain the Agreement. It is not, as you think, the kind of using the Agreement to launch an offensive, to create some dangers or put someone in danger or other. In a word, it is to maintain the Agreement, to correctly implement the Agreement; it is our aim, our objective.

As to the contradiction you put regarding our desire that you withdraw from South Vietnam and our desire that you have great responsibility over Saigon, actually it is true. It is some practical reason that you withdraw from Vietnam but you still have influence and responsibility with the Saigon authorities.

Dr. Kissinger: When I said offensive, I did not mean only military offensive; I meant political and psychological. I meant we both must show restraint. We should not constantly try to push and outmaneuver each other for little advantages, because we are no longer at war.

There is no point answering every detail of the Special Adviser's presentation. We will look into every case he raised.

With respect to mine sweeping we will see whether some speed-up is possible. And again we will communicate with you.

With respect to the civilian prisoners, I just don't understand it, because we were told that 5,000 would be released and we had used our influence to bring this about. I will have to check this. I don't

understand the comment that the Special Adviser made. Also I understand . . .

Le Duc Tho: Please ask them again.

Dr. Kissinger: We will ask. Also I understand that your side has not turned over a list of civilian detainees or where they are held, and this is necessary to get the talks started.

Le Duc Tho: Regarding the question there is some practical difficulty because they are scattered all over the country and now they have to find out where the people have been arrested, where they are being held. So the PRG is . . .

Dr. Kissinger: We are not complaining. We are simply pointing out that we cannot use our influence until the conditions have been met that are provided for in the protocol. But even without this we are under the impression that 5,000 detainees will be released in the very near future and that this was a result of our intervention.

We will look into the two-party talks problem.

So we take seriously every comment you make to us. What I wanted to convey to the Prime Minister is not that we don't take it seriously but we have to have understanding with each other now.

Pham Van Dong: [Laughs] I agree—and a few practical deeds.

Dr. Kissinger: I agree.

Pham Van Dong: We should continue to make efforts.

Dr. Kissinger: And show good will towards each other. We were not required to reduce our aircraft carriers but we have done that, pulled them out altogether.

There is one last point, which concerns our prisoners. Some of our concerns would be eased if you could obtain for us from your friends in Laos and if you could give us from your own information some account of what you know about those who died, who crashed, who escaped, or whatever else you know, and the sooner the better.

Pham Van Dong: Mr. Le Duc Tho has explained this question to Mr. Special Adviser on many occasions. In this connection we have a very serious and frank attitude. You can be confident in us. There are no other ideas at all—what do they say, no back-ideas in the mind. We are thinking of helping you when we deal with this question. But I agree with you that we will continue to find out about this question and to have some information about it and help you.

Dr. Kissinger: It will help very much to create the climate for the economic question. [The Premier laughs] We will talk about this later, today or tomorrow. But we have a very serious problem on domestic opinion and Congressional opinion. And our newspapers are not as responsive to government, or as politically alert—"politically conscious" is the phrase—as yours.

Pham Van Dong: Here I should say immediately—and we will come to it later too—I disagree with you to the way you are posing the problem. I think that this question is a question of the obligation of the U.S. This question should be dealt with as one article, one provision of the Agreement. We should not make it dependent on anything else. This will be good and correct.

Dr. Kissinger: Let us discuss it separately, because it is a very complicated issue and it must be handled on a very practical basis. Because there are two levels: the relations between you and us as governments—and there we can approach it within the framework of the Agreement. And the second problem is our relationship with our Congress, and there we have to discuss with you how to do this. This is not a governmental matter but a realistic question of management. But I will frankly discuss with you about the situation when we turn to economic reconstruction.

I have a whole book on the subject, which I will read from cover to cover. [Laughter]

Pham Van Dong: I don't think that we should do that. I told you yesterday that we don't understand what is the legal aspect or customary aspects of the Government of the U.S. I always think it is the internal affair of the United States.

Dr. Kissinger: Yes, but you have to understand it.

Pham Van Dong: If it is a necessity that we have to understand it, then you should explain to us so we can understand, but it is always an internal affair of the United States.

Dr. Kissinger: Yes.

Pham Van Dong: Because what is important and what we have to solve now is a matter between our two governments.

Dr. Kissinger: But you see, we cannot tell you to install a capitalist system and tell you it's a domestic problem how you do it. There are some domestic realities that have to be understood as a practical matter, and we just want to explain them to you. They are not governmental problems—but we will have a full discussion on the subject.

Pham Van Dong: I think that here we should go forward to bring about a definite solution to a number of points.

Dr. Kissinger: I agree.

Pham Van Dong: Otherwise we don't know whether you are fully prepared to settle this question.

Dr. Kissinger: Which question are we talking about now?

Pham Van Dong: The U.S. contribution to the healing of the war wounds.

Dr. Kissinger: We will discuss it concretely.

Pham Van Dong: And this question will be settled basically, simply, and positively.

Dr. Kissinger: Positively, but it requires complicated management. Certainly positively.

Le Duc Tho: I have spoken to Mr. Adviser on this question very lengthily in the negotiations.

Dr. Kissinger: Oh yes.

Pham Van Dong: Therefore I would like to emphasize only one point: This question should be settled fairly, without conditions attached—not make it dependent on other questions, not to use it to attain anything else. And this question also should not be settled in a manner like the manner in which the U.S. has solved the question of aid to many other countries. So far as we understand, the U.S. has granted aid to many countries, particularly after the end of World War II, and we also understand that in the legal juridical field, the U.S. has some particular legal aspects. But here what we are dealing with now is U.S. obligations in view of the destructions caused by the war. It is a completely different question. In our view it is a matter of U.S. obligation. Of course we should discuss it. But no conditions should be put in settling this question.

What conditions I have in mind I have already told you, but let me now recall it. First, we would like to have the free use of the amount that the U.S. reserves for this purpose. But the free use I have in mind is to buy whatever we want but of course to buy this material and equipment from the U.S. I think that to pose this problem is a simple way of posing the problem. There is no complexity in it. As to the details, they will be discussed at the Joint Economic Commission. If so is our understanding, we will be able to settle this question during this visit of yours.

Dr. Kissinger: Let me suggest that after we discuss Laos and Cambodia this afternoon we have a full and frank discussion, and we can certainly settle it in principle during my visit here. This is our intention. Or do you want to continue now? On my schedule it said 10:00 to 1:00.

Pham Van Dong: Let us adjourn now.

Dr. Kissinger: See, I follow the Special Adviser's instructions. I was trying to be polite. When he comes to America he will follow mine.

Le Duc Tho: We will resume our discussion at 4:00, then at 3:00 we will have sightseeing tour for one hour.

Dr. Kissinger: Good, I look forward to it.

Le Duc Tho: If the tour will take more than an hour, then we can resume at 4:30.

Dr. Kissinger: It is up to you. [Laughter]

[The meeting adjourned at 1:00 p.m.]

52. Memorandum of Conversation¹

Hanoi, February 11, 1973, 4:35–7:43 p.m.

PARTICIPANTS

Pham Van Dong, Premier
Nguyen Duy Trinh, Deputy Premier and Minister of Foreign Affairs
Le Duc Tho, Special Adviser to DRV Delegation to Paris Conference on Vietnam
Nguyen Co Thach, Vice Minister of Foreign Affairs
Phan Hien, Member of DRV Delegation to Paris Conference on Vietnam
Tran Quang Co, Member of DRV Delegation to Paris Conference on Vietnam
Dinh Nho Liem, Ministry of Foreign Affairs
Nguyen Dinh Phuong, Interpreter

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
William H. Sullivan, Assistant Secretary of State for East Asia and Pacific Affairs
Richard T. Kennedy, Senior NSC Staff
Winston Lord, NSC Staff
Peter W. Rodman, NSC Staff
David Engel, NSC Staff, Interpreter
Mrs. Bonnie D. Andrews, Notetaker

[The Premier, Foreign Minister, and Special Adviser greeted Dr. Kissinger at the entrance.]

Pham Van Dong: Vous avez fait visite à notre musée historique.

Dr. Kissinger: Oui. Il était très interessant. C'est la première fois pour lui! [Referring to Le Duc Tho] Il fait l'histoire; il n'a pas assez de temps pour la voir.

Vous avez une histoire très longue.

Pham Van Dong: Oui.

Dr. Kissinger: Très dure. Et héroïque.

Pham Van Dong: Merci. Et aussi très humaine. Très humaine.

[The group then entered the conference room and took their seats.]

Pham Van Dong: Et demain, le musée de l'art. C'est aussi très interessant.

Ambassador Sullivan: Every excavation we saw, the Special Adviser said he was in prison there.

Pham Van Dong: He was in prison everywhere. We were all in prison.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 113, Country Files, Far East, Vietnam Negotiations, Hanoi Memcons, February 10–13, 1973. Top Secret; Sensitive; Exclusively Eyes Only. The meeting was held at the DRV President's House. All brackets are in the original. The tabs are attached but not printed. Kissinger and Le Duc Tho toured the Hanoi History Museum and other cultural sites before the session.

Dr. Kissinger: Your lives have all been hard ones. Life in prison is not an easy one.

Pham Van Dong: Especially in French prisons.

Mr. Kissinger: But I do believe that in extreme experiences—not because it is gay but because it is elemental—one learns the real qualities of people.

Pham Van Dong: I agree. But if the term in prison is shorter it is better. Three years is enough. You should not advise other people to be in prison. [Laughter] Let us now discuss about Laos and Cambodia. Mr. Adviser, I give the floor to you first.

Mr. Kissinger: We have really the following problems. The most immediate is the ceasefire in Laos. Then there is need for a ceasefire, of a less formal nature, in Cambodia. And then we should begin the implementation of the withdrawal of forces and war material from these countries. We are prepared to cooperate in all of these and to take a constructive attitude.

We have an understanding that there must be a formal ceasefire in Laos. And then there should be one in Cambodia because its absence will keep drawing all the parties into the conflict. And finally it is important that we implement the withdrawal of all forces and that we not introduce any new forces or material into Laos and Cambodia. These are the matters that I want to discuss with the Prime Minister.

Pham Van Dong: Regarding these two problems our comrade, Le Duc Tho, has explained to you in Paris, and the situation in Laos is developing.

Dr. Kissinger: But the problem has two aspects. First of all there have been heavy attacks by your side and indeed the introduction of new forces of your side into Laos, including the 308th Division. Secondly, the ceasefire was supposed to be concluded by the 12th, which is tomorrow and, therefore, it is not developing according to the Agreement and it is developing in a manner which is inconsistent with the spirit of the Agreement.

Pham Van Dong: Regarding the first point, I believe that the Special Adviser's statement is groundless.

Dr. Kissinger: Which is the first point?

Pham Van Dong: The so-called North Vietnamese big attacks in Laos and the so-called 308th Division newly introduced into Laos.

Dr. Kissinger: Did I get the division number wrong? Or was there no division introduced?

Pham Van Dong: If you ask me this question, the moral is I don't know the answer. Regarding the second point, I think this is an affair between the two Lao parties. We will do our utmost to present the situation to them and to tell them that there is the necessity to change

the direction, the course of action. But the affairs of Laos must be decided between the people of Laos.

Dr. Kissinger: If I may say, Mr. Prime Minister, in our discussions in Paris we accepted the fiction of the “so-called North Vietnamese forces” in South Vietnam. But there was a clear understanding that there were real North Vietnamese forces in Laos and that they would be withdrawn. There have been in recent weeks heavy attacks in Laos. It is not a Lao national characteristic to fight with the intensity with which the forces have fought in these attacks. They are more in the intensity of the North Vietnamese. And it is very difficult in establishing a new relationship that everytime we give you conclusive proof of certain actions that you simply deny that anything is going on at all.

Pham Van Dong: But all of this involves the affairs of the Laotians.

Dr. Kissinger: Except the North Vietnamese troops which are there do not just affect the affairs of the Laotians. That involves the North Vietnamese. If the Lao were fighting only among themselves, the battle would develop much more slowly.

Pham Van Dong: In fact I do not think so. Because this statement applying to the Lao is not correct. We do not make such a statement regarding the Lao.

Dr. Kissinger: I do not want to debate national character and I do not consider peaceful inclinations a national liability. But I want to say that we have a very clear understanding that there would be a ceasefire within 15 days and also that foreign troops would be withdrawn. Which applies also to us. And we wanted to discuss on this occasion the implementation of this matter.

Pham Van Dong: I would like to make this statement to you, Mr. Adviser, and I think my statement is very important. That is to say the two Laos parties are now discussing in Vientiane and their negotiations are developing. As far as we are concerned, we respect the right of the Laos people to self-determination and the right of authoritative Lao people to resolve the problems. We Vietnamese, we are a people very resolute to defend our independence and our sovereignty and it is known to everyone. And therefore we affirm that the right to independence and sovereignty and self-determination of the Lao and Cambodian people must also be respected. It is one of our basic policies. If now some intervention is made in the internal affairs of the Lao and Cambodian people it would be a grave mistake of our policy. The Vietnamese people shall live forever side by side with the Lao and Cambodia peoples. This is all the more reason why we have to maintain very good relations with the Lao and Cambodian people, and this good relationship begins with the respect for the independence and the sovereignty of these people. However, we will do our utmost to present the situation to our comrades in arms in Laos, so that they decide their

own course of action. And I think that the question of ceasefire is on its way to becoming true.

Dr. Kissinger: But, for example, the Pathet Lao are demanding that the ceasefire includes a phrase specifically singling out the U.S. aggression in those words. Now those words are impossible, and we cannot encourage our friends to accept such a phrase. In a war where there are many foreign forces it is incorrect to single out one country and inconsistent with a desire for a rapid ceasefire and with an attempt to establish a new relationship.

Pham Van Dong: I think that it is no problem in this regard, because the other side will know to say what they want to say. And I think that for everything they can find out a solution. And what Comrade Le Duc Tho has told you, his statement will be put into practice. It is a fact.

Dr. Kissinger: It means we have about seven hours. Or maybe 24 hours.

Pham Van Dong: We have never broken any things we say.

Dr. Kissinger: Well . . . let me then simply point out that we attach very great importance to it, that we have publicly committed ourselves to this, and that therefore if there should be difficulties it would be found to have a serious impact on our public opinion and on the whole context of public acceptance of the Agreement.

Pham Van Dong: But there is one fact. You have just come from Vientiane. No doubt you are aware of the situation. If there are any difficulties, the difficulties should come and will come from Mr. Phouma's side.

Dr. Kissinger: I cannot accept this. We have told Souvanna Phouma . . . The side which is retreating is not usually against a ceasefire. It is rare in history that the retreating side opposes a ceasefire. But we have spoken very earnestly with him and I know that he is willing to have a ceasefire. I have examined the issues and I have concluded that the basic question is that the Pathet Lao are making exorbitant demands which go beyond the analogous provisions of the Vietnam Agreement.

Pham Van Dong: I am not very well aware of these facts. But to my knowledge maybe the ceasefire is linked to political problems. But in this connection they should talk together because these are the affairs of the Laotians. The political problem should be discussed, should be solved, by the Lao because they will have to live together. Everyone would like a ceasefire. But how the ceasefire will go along with the settlement of the political problems or how is the prospect of the settlement—these are extremely important questions. Therefore the Laos have to discuss these questions together, and on our part we will not interfere with these prospects. Let them discuss to have full

discussions, to have careful discussions, and then when the ceasefire happens all the parties will respect the ceasefire and will continue to settle all problems and there will be no violations. It is our attitude.

Dr. Kissinger: Once again, Mr. Prime Minister, we are talking about two separate problems. First, both of us have obligations under the Agreement to use our influence to promote a ceasefire. So to this degree we are obligated to intervene. Secondly, we admit that the political solution is very complex. We are not prescribing a particular political solution. We do not at all reject the proposition that after the ceasefire the two Laotian parties should continue to discuss the final political settlement just as they are doing in Vietnam. But we do reject the proposition that the negotiations can be indefinitely prolonged and still be consistent with the spirit of our Agreement and of our understanding.

Pham Van Dong: We cannot foretell about this because in fact this is the affairs of the Laotians. But please don't interpret that as an attitude on our part to seek an excuse to refuse this. This is our policy. We cannot do anything contrary to the interests of our friends or contrary to their rights. Because if we did that we would not be ourselves.

Dr. Kissinger: But then we would not have had to make an understanding.

Pham Van Dong: The understanding is that we should use our influence and discuss with our allies. To discuss does not mean to interfere. It is not to make pressure on them. It does not mean that we will settle their problems on their behalf.

Dr. Kissinger: We are not asking that you settle it on their behalf, but we believe that considering your relationship and the nature of the forces in Laos that you're entitled to a little weight.

Pham Van Dong: It may be so. It may be that we don't know how to use our influence. But you should understand.

Mr. Kissinger: If you don't know how to use your influence there is no sense making agreements with you about your influence. Besides, that isn't your history.

Pham Van Dong: [Laughs] I think that in this connection we understand our effort and we understand our affairs better than you.

Dr. Kissinger: I am not telling you how to conduct your affairs. I am just saying that we made a certain understanding in Paris, and in fact made certain concessions on the assumption that the period of the ceasefire in Laos would be shortened. If now we are being told that those concessions do not have reciprocity, and that all you are obligated to do is consult with your allies then that affects the nature of the Agreement.

Pham Van Dong: I have answered to your question saying that the statements made by Comrade Le Duc Tho are being put into practice. I just repeat our attitude, our policy. You should not misunderstand my views or any views I express today. Moreover, reality will testify to this.

Le Duc Tho: Let me add a few words. Our Prime Minister has just voiced one principle of our policy, that is respect for the independence and the sovereignty of our allies. We had an understanding with you during the course of our negotiations. This should have been [had to be] agreed to by our allies; so our allies have agreed. And as our Prime Minister has just said, there is no change to that. Now the question is, how to put the ceasefire into practice. Mr. Phouma's side raises the question of ceasefire, and then our ally will discuss with Mr. Phouma's side on the date of the ceasefire. And they also have agreed on a number of principles in regard to the ceasefire, for example, the cessation of all bombings, the date and time of ceasefire. And the two parties will issue the orders for the ceasefire, and after the entry of force of ceasefire the two parties should strictly enforce the ceasefire. And I think that now [if] Mr. Phouma's side will raise this question, our allies will agree with that. This is one question. And I think that your side will do that and then a ceasefire will come into effect.

So we had an understanding with you only on this question. Now regarding the political problems and other problems, this comes under the province of our ally Pathet Lao and comes under their authority. So the understanding I reached with you in Paris is regarding only the ceasefire, and now the way to put the ceasefire into practice should be as I have said. Then the question of withdrawal of foreign troops, this is still another question, and this question was not discussed in Paris.

Mr. Kissinger: That is only required by the Agreement! [Laughter]

Le Duc Tho: Then after the ceasefire the Pathet Lao and the Phouma side will discuss about the state of the hostilities, the state of the foreign troops, how they are, and then they will settle the question, to maintain the ceasefire and to maintain peace. So those are the questions we discussed. The question is now how you and us will put the understanding on the ceasefire into practice. The first step is that we put into practice what we understand. We keep our words as the Prime Minister had told you.

Pham Van Dong: There is nothing for you to worry about.

Dr. Kissinger: Well, I am of nervous disposition, as the Special Adviser knows. [Laughter] And if I may, I would like to discuss each of his three problems: First, the ceasefire in Laos; secondly, the political solution in Laos; and thirdly, the withdrawal of foreign forces. I recognize that these are three different problems. Before the Prime Minister gets too impatient with me I will comment about point number two,

the political solution. We accept your principle about non-intervention with the political solution in Laos, and we agree with you that this should be settled by the Laotian parties. So I need to say no more about that.

Now let me turn to the first point, the ceasefire in Laos. We agree that it should be put into effect immediately and that political discussions can then proceed. But we believe it should have a certain formality. That is to say, there should be a document that defines what the obligations of the two parties are. Along the lines of Chapter II of the Agreement on Ending the War and Restoring Peace in Vietnam. Not the same provisions, but along the same line. And then of course Mr. Thach and Mr. Sullivan can work out a protocol. [Laughter] They have done it once before.

Ambassador Sullivan: 1962.

Dr. Kissinger: Now if this is what the Special Adviser has in mind, I agree with him, and we will recommend to the Lao parties that they should proceed along these lines to work out a solution.

Le Duc Tho: The document will be prepared regarding the ceasefire. There should be provisions regarding the ceasefire to make it clear and explicit.

Dr. Kissinger: We have no objection to this. No political conditions attached.

Pham Van Dong: I think that we have sufficiently discussed the Laos problem. If anything good will happen it will happen.

Dr. Kissinger: But I don't have the revolutionary optimism of the Prime Minister, nor his fast mind. This permits me to discuss it a little longer. I must understand exactly what we have.

Pham Van Dong: It is not concrete enough. [Laughter]

Dr. Kissinger: So could I sum up what we have agreed upon? But I still have a third point about Laos, so we cannot leave it so easily. Ceasefire—my understanding now is that we shall recommend to the Prime Minister that he should propose that the military questions should be settled first and that there should be an agreement on an immediate ceasefire. Afterward the two Laotian parties will conduct negotiations for a political settlement and the two parties settle this among themselves. Is that a correct understanding? Is that correct?

Pham Van Dong: Yes.

Le Duc Tho: I think that here we are settling the question of a ceasefire, and not the "military questions" in general.

Dr. Kissinger: What is the difference? The difference eludes me.

Le Duc Tho: What I meant is that we are dealing here with the question of ceasefire, how it is to be put into practice: it should be in-

place; there should be measures to prevent hostilities. As to the other military questions, for instance the withdrawal of foreign troops, that is a separate issue.

Dr. Kissinger: This is a separate issue, to which I will now address myself.

Le Duc Tho: As to the other political problem, after the ceasefire the two Lao parties will continue the discussions.

Dr. Kissinger: I agree.

Le Duc Tho: Then we will proceed as the Adviser said. You will recommend to Prime Minister Souvanna Phouma as you said, then we will have orders to have a ceasefire.

Dr. Kissinger: I just want to make sure I understand, so that we are not going to confuse each other. There are two ways for a ceasefire to come about: one, with orders being given by the two sides; the other, with a written agreement. We want a written agreement. Then there are orders.

Le Duc Tho: So it is a document, or an agreement, written down, and then each party will issue the order.

Dr. Kissinger: All right, this is settled. Let me turn now to the other question, the withdrawal of foreign forces. In the Prime Minister's message of October 20—drafted by Special Adviser Le Duc Tho—it says: "After the ceasefire in Laos, the foreign countries in Laos will arrange the modalities of implementing Article 15(b) [Article 20(b)] of the Agreement on Ending the War and Restoring Peace in Vietnam." Article 20(b) says all foreign military forces must withdraw. Therefore, we believe that as soon as the ceasefire is arranged, then the withdrawal of foreign forces must be implemented.

Le Duc Tho: In the message sent on that date regarding the foreign forces in Laos, it says that after the ceasefire in Laos all the parties will arrange to settle the question in Laos. What modalities will be arranged, etc., involves all the parties in Laos.

Mr. Kissinger: What do you mean concretely by that?

Le Duc Tho: Concretely it means that this question does not only involve only the foreign forces but all three parties, because this involves the Lao.

Dr. Kissinger: So you are saying that after the ceasefire, if one of the Lao parties disagrees and decides it wants foreign forces to stay, then those foreign forces must stay?

Le Duc Tho: It is not what I mean. The question of the withdrawal of foreign forces has been provided for by the Agreement, but this question should be settled in discussion with the two Lao parties. So the settlement of this question should call for the discussion of the Lao parties. It cannot be settled only by the foreign forces in Laos.

Dr. Kissinger: It is a curious theory of international relations. I can understand that you say the internal affairs must be settled by the Lao parties. But surely the foreign forces have the right to withdraw without the concurrence of the Lao parties.

Le Duc Tho: No, this case involves the Lao parties because the activities were carried out on Laotian soil. There should be a meeting for all parties to meet and discuss this question. This will be done with the consultation with our ally. It cannot be that now suddenly all the foreign forces will withdraw.

Dr. Kissinger: Why not? That was our understanding all along.

Le Duc Tho: No. It is a matter of principle that all foreign forces should be withdrawn. When discussions will be held, what forces should be withdrawn . . .

Dr. Kissinger: All forces should be withdrawn.

Le Duc Tho: It is a principle upon which discussions are necessary. It is agreed that it will happen. Then the discussions should be held with the respective allies. There is no reason that the activities have been carried out in Laos and now suddenly the forces will be withdrawn. Now because these forces are at the request of our allies to carry out common responsibilities there. Therefore, there should be discussion with them to discuss modalities of the withdrawal. These are specific questions that should be discussed with our allies. So now we agree on the principle that after the ceasefire in Laos we will exchange views on how to consult with the parties in Laos to implement our Agreement. We will never violate what we have said.

Dr. Kissinger: Yes, but what have you said? If I understand, you said that after the ceasefire you will talk to your allies. We are not interested in your talking to your allies; we are interested in the withdrawal of your forces. You are already talking to your allies.

Le Duc Tho: Here we do not discuss the question of withdrawal. It is a matter of principle. But here we discuss the modalities of withdrawal. We have agreed with you on the principle of the withdrawal but we need to discuss with our allies. In the message sent to you it also says that after the ceasefire the modalities will be applied.

Dr. Kissinger: Yes, but that means the Agreement . . . Unsigned messages cannot undo the basic Agreement. The Agreement requires that they will refrain from using the territory of Laos. Then it says that foreign forces will totally withdraw. It does not say after three years from now. It does not say after discussion with the Pathet Lao, after discussion with Sihanouk. It says they will withdraw. That is the obligation. According to the Agreement.

Pham Van Dong: So this is the obligation. It is clear and explicit. But it does not mean that we have to carry out the obligation as early

as today. We must discuss with our allies about the time of withdrawal, the modalities. Because it involves the other parties. We can't do it today.

Dr. Kissinger: Yes, but what time frame do you have in mind? It is a little late today. How soon after the ceasefire do you envisage.

Le Duc Tho: To my mind, I think that immediately after the ceasefire, then the experts of all the parties concerned, including the Pathet Lao, should meet to discuss the modalities. But here, our Prime Minister, myself and you cannot discuss the modalities.

Dr. Kissinger: No. I am not saying we should settle it here. But we could say within 30 days or 45 days or 60 days. We could give ourselves a time limit.

Le Duc Tho: I think that we should leave this question to our experts. Then immediately after the ceasefire our experts will meet. Then the Lao parties will discuss and we will discuss with our allies and you will discuss with your allies.

Dr. Kissinger: We have already spoken with our ally. Our ally approves of the withdrawal of your forces.

Le Duc Tho: But discussions between the two Lao parties will come to a different settlement on the problems.

Dr. Kissinger: But there are two separate questions: the resolution of the political questions by the Lao parties, and the withdrawal of foreign forces. The resolution of the political questions does not require the presence of foreign forces. To say otherwise would imply that the foreign forces are there to bring pressure on the political discussion.

Le Duc Tho: So I think that the political affairs of Laos come under the internal affairs of Laos. Let them discuss it. As to the withdrawal of foreign forces, we should discuss with our allies and you too. We will decide when they start; they can start after the ceasefire.

Dr. Kissinger: I don't care when they start. I want to know when they will end.

Le Duc Tho: We should say here that after the ceasefire then discussions should start, and then when the discussions are held they will decide how long the discussions will take place.

Dr. Kissinger: But "modalities" means methods of withdrawal. It doesn't mean the time; it doesn't mean anything else.

Le Duc Tho: The modalities of the withdrawal concern the time period for the withdrawal, because each batch will be withdrawn, and the timing of each batch, how long the interval. Even your troops in South Vietnam, a very small number, take time for withdrawal. You have discussed with me the length of time—four months, six months. But definitely we will implement what is written in the Agreement.

Dr. Kissinger: I must say this, even at the risk of not being very popular in Hanoi, which would grieve me deeply: Do you gentlemen seriously believe you can keep your forces in South Vietnam and Laos and Cambodia and expect us to implement every provision of the Agreement, including Article 8, and start a new era in our relations? Can you really believe this? I assure you that this is not possible. On South Vietnam, I do not need any comments because we have discussed that fully.

Le Duc Tho: No, you see in our discussions we have clearly told you the Vietnam problem we can settle it with you. But the question of Laos and Cambodia cannot be the same. It comes under the competence of Laos and Cambodia. It is up to them to settle their problems.

Dr. Kissinger: But including the withdrawal of your troops.

Le Duc Tho: But we agreed with you on the principle of the ceasefire in Laos and the withdrawal of all foreign forces. Regarding the obligation in Vietnam, all the parties should respect it, and whatever is done regarding Laos and Cambodia including the understanding between us, we will keep it. But what we have settled concretely is only the question of ceasefire in Laos. We have agreed on the settlement of the question of ceasefire in Laos. Our allies have agreed to the question of ceasefire. Now regarding the question of withdrawal, we will respect this obligation. All other foreign troops should respect this obligation. But we say that after the ceasefire becomes effective, then we should discuss this question. Let us now decide a date for the discussions. We should start discussions to implement this. Let us now decide this, in keeping with what we have decided in Paris.

Pham Van Dong: I think that this is what we have discussed about the Laos question up to now.

Dr. Kissinger: It doesn't say anywhere in the Agreement that Chapter VII is only a principle and doesn't have to be implemented until after further discussion. Unless you want us to say with respect to other provisions that they are only principles and we will be glad to discuss them further. Then we have no Agreement anymore. These are not only principles. These are obligations.

Le Duc Tho: So let me add one more sentence, and then I would propose a little break and we resume later. Here we say it is not only a matter of Principle but also it says that the parties will arrange the modalities to implement this; it is said that after the ceasefire in Laos the parties will arrange the modalities in Laos.

Dr. Kissinger: This is what it says in your note but it is not in the Agreement.

Le Duc Tho: It complements the Agreement and you said you were satisfied. And it further concretizes the principles.

Pham Van Dong: Let me add the following: What has been written here is very clear.

Dr. Kissinger: But I don't read Vietnamese.

Pham Van Dong: And the spirit of this sentence is also clear. And we definitely carry out whatever commitments we made. This is my statement. All this will need discussion between the parties concerned and the parties will arrange discussion, because these are their affairs. We will respect what we have engaged. There is another problem: In Laos who are the foreign forces? Why is it said here about us? Why not speak about other foreign troops?

Dr. Kissinger: Everybody should withdraw. I agree.

Pham Van Dong: Why do you mention only us? So let them sit together.

Dr. Kissinger: Why not let them withdraw? We can arrange for the withdrawal of all forces associated with our side. We can discuss it with you.

Pham Van Dong: Then the other parties will say the same thing.

Dr. Kissinger: You can do the same for your side. You can withdraw your forces. Who else is there?

Pham Van Dong: We don't know all of them. These are Lao affairs.

Le Duc Tho: Here we say, after the ceasefire the parties will arrange the modalities of the ceasefire. On the question of ceasefire, we settled the question of ceasefire, we with the concurrence of our allies, and you with your allies. Then after the ceasefire we will determine the modalities. But regarding the withdrawal, after the ceasefire we should set a date.

Dr. Kissinger: You are saying that the two Lao parties should discuss the modalities of the withdrawal?

Le Duc Tho: Of course.

Dr. Kissinger: In what time frame?

Pham Van Dong: Let them decide in their time.

Dr. Kissinger: If we two decided among each other on a time period for a ceasefire, then why can't we decide among ourselves on a time period for withdrawal?

Pham Van Dong: Let me propose a little break.

Dr. Kissinger: It is a very serious matter. In America it will affect the public acceptance of the Agreement.

Pham Van Dong: Then we have to stick with what we have agreed. I know this is a very serious question. These questions were discussed in 1962 and were settled. The same in 1954. There isn't anything new in this problem. But there should be a correct solution. Putting this question here is not practical now.

Dr. Kissinger: We have written out our ideas of the modalities. It includes a time period for discussion. Why don't you look at this during the break? [He hands over US paper, "Modalities of Implementing Article 20(b)", at Tab A.]

Pham Van Dong: We are not prepared for that. You have prepared for that. Let us have a few minutes for this and discuss it. Do you have any more copies of this? [Dr. Kissinger gives another copy.]

[The meeting recessed from 6:12–6:40 p.m.]

Dr. Kissinger: I have this fixation with Laos. And if I could just sum up. I just want to say a few more words. First, we have agreed that Souvanna Phouma will make a proposal for a separate ceasefire, and you will recommend to your friends that they will agree to this. And we have agreed to formulate this in language that is not offensive to either side. Assuming that we can get to our airplane in the weather, we will get that message to him tonight.

We have had a little difficulty with airplanes from Gia Lam to the other one. Also, we have had a little trouble with the nerves of our couriers who fly in those little planes. But that is a separate problem.

Now, a second issue we have not settled is the time frame envisaged for the withdrawal. The Special Adviser thinks Souvanna Phouma has proposed 60 days and the Pathet Lao has proposed 90 days. We think Souvanna has proposed 30 days. But the question really is, from what we should count these days—whether we should count them from the date of the ceasefire or from the date of the political settlement. We think very strongly that it should be counted from the day of the ceasefire and we would rather add a few extra days. If we make it from the day of the political settlement we will be implying that the foreign troops are there for political pressure—which I know the Special Adviser would never intend to do.

So for reasons which I have explained privately to the Prime Minister, this is a very serious question, and I think we should envisage a time period here which we should recommend to the allies, and I think we should date it from the time of ceasefire, and we should use our influence with our friends so there will be a political settlement within that time frame.

Le Duc Tho: So we have settled the question of ceasefire. We have agreed with each other.

Dr. Kissinger: Right, Mr. Special Adviser. For the tenth time. [Laughter]

Le Duc Tho: Now, regarding the time period for the withdrawal, the two Lao parties are discussing this question and it is proposed that after the agreement on ending the war and restoring peace in Laos, it is within 90 days as the Pathet Lao proposes or 60 days as Souvanna

proposes, or 30 days as you understand. I think that they will agree on this question and it is best they do that. I think we should let them agree on a political settlement. And we should not worry about counting from the ceasefire. We should discuss this with our allies so they can start as early as possible.

Dr. Kissinger: Mr. Sullivan is sure there is an error. Sullivan, you said 60 days from the time the war was ended. I think Mr. Thach wrote the Pathet Lao proposal.

Le Duc Tho: This is the proposal made by our respective Lao allies. We do not intend to make pressure on them. They will agree on the time period.

Dr. Kissinger: All right. But the question is, from what does the time period begin?

Le Duc Tho: The Lao parties propose that the time period should be counted from the date of the settlement.

Dr. Kissinger: All right. Mr. Special Adviser, this is like the Two-Point Elaboration that did not elaborate anything.

Le Duc Tho: The Two-Point Elaboration belongs to the past now.

Dr. Kissinger: I know. But we don't want to have another one.

Le Duc Tho: We are concrete now.

Dr. Kissinger: No, you are not yet sufficiently concrete, Mr. Special Adviser. And the reason is because until now there was no problem because the negotiations in Laos linked together the ceasefire and the political solution. Therefore one did not have to face the question of from what time to start the withdrawal. But now we are separating those two aspects, and therefore, it is not self-evident that one should start counting from the second instead of from the first agreement. In fact, we believe one should start counting from the first agreement. But we can agree that both sides should encourage their friends to reach a political settlement within that time frame.

Le Duc Tho: The two Lao parties have agreed that after the signing of the Agreement on Laos, then the foreign troops will be withdrawn within either 90 days, according to the Pathet Lao, or 60 or 30 days according to Phouma's proposal. And the two parties should come to a political settlement as rapidly as possible. It is according to the aspirations of the Laotian people.

Dr. Kissinger: We are not opposed to political settlement. The question is, we are also in favor of a rapid withdrawal. But the real question is from what time do we count the withdrawal. If we said it should be from the time of the ceasefire, certainly a political settlement would be completed long before the completion of the withdrawal.

Le Duc Tho: But there is no assurance of that, because the two parties are now discussing the problem.

Dr. Kissinger: But the Special Adviser cannot have it both ways. He cannot say, "Don't worry about the withdrawal because a political settlement is easy," and then say "There cannot be a withdrawal because there is no assurance of a political settlement." You cannot have both of these statements. And also . . .

Le Duc Tho: What I mean is that the time period for the troop withdrawal should be counted after the settlement by the parties in Laos. It will be certain. But now if it is counted from the ceasefire, there is nothing to say about whether the political settlement will come soon or if it will drag on. Moreover, the two Lao parties have agreed on that, and this is their right.

Dr. Kissinger: I think—I am not sure—we could convince Souvanna Phouma to count the withdrawal from the beginning of the ceasefire. Do you think so, Bill?

Ambassador Sullivan: Yes. I agree.

Dr. Kissinger: Sullivan is convinced.

Le Duc Tho: I think that Mr. Phouma's proposal is correct. We have nothing to persuade him. The Pathet Lao has agreed to that. The only question is 60 days or 90 days.

Dr. Kissinger: I don't think that is quite correct. As I explained to you—the Special Adviser is trying to confuse me—that proposal was made when the political solution and the ceasefire were linked to each other in one package. Now that they are separated we should base it on the understanding, which links it to the ceasefire. And I don't want to think the Special Adviser wants to leave the impression that the North Vietnamese forces are there to make pressure on the affairs of a neighboring country.

Le Duc Tho: It is correct to say so. First of all it is a question of ceasefire. Then the political questions will be continued to be discussed, and Mr. Phouma and the Pathet Lao have agreed that following the political agreement the question of withdrawal will be discussed. It is their proposal, so let them agree to that. Previously the Pathet Lao settled parallelly the political and military questions; now the Pathet Lao recognize that the political questions will continue to be discussed after the ceasefire. Mr. Phouma also agrees that after the ceasefire the political discussions will continue. Now, what we can agree is that both sides should agree with our respective allies that they should come to a political agreement very soon.

Dr. Kissinger: Like when? Like 10 days after the ceasefire?
[Laughter]

Le Duc Tho: It is up to the two Lao parties. We should not go into the agreement between the two parties.

Dr. Kissinger: But the Special Adviser has educated me so much to be concrete that I have difficulty understanding phrases like “very soon.”

Le Duc Tho: It is concrete enough, because the two Lao parties have proposals of 60 and 90 days after the ceasefire.

Dr. Kissinger: I have learned that when the Special Adviser argues as if he is missing the point, it is not because he doesn’t understand it, but because he understands it all too well. It is his affection for the Ho Chi Minh Trail which clouds his judgment. [Laughter]

Let me say a few words. Let me sum up our differences and come to a conclusion. The difference between the Special Adviser and me is that the Lao parties have discussed one single agreement which included both a military and political agreement. This agreement foresees that, according to the Pathet Lao, foreign troops should withdraw within 90 days, or according to Souvanna Phouma 60 days according to you, but 30 days according to what Souvanna told me. I don’t dispute the difference in time; this they can settle among themselves. As long as they come between 30 and 90 days. It shouldn’t be more than 90 days. The way the Special Adviser and I settled the American withdrawal.

But then the question is from what time should we count it. There are two or three ways—from the ceasefire or the political agreement. The Special Adviser is afraid if he counts from the time of the ceasefire there may never be a political settlement. I am afraid if we count it from the time of the political settlement that there will never be a withdrawal. I am speaking honestly. So the problem could be settled very easily, and we could agree to count it from the time of the political settlement, if we would not have to fear that then the political negotiations would be endless. So I propose that we count the withdrawal—whatever the two parties agree—from the time of the political settlement, but that the political settlement occur no later than 15 days after the ceasefire.

Le Duc Tho: So you mean to fix a time period for the political settlement?

Dr. Kissinger: Yes.

Le Duc Tho: Now I understand your proposal. I propose that we stop our discussion at this point.

Dr. Kissinger: All right.

Le Duc Tho: Because if now we decide this, our allies will have another proposal. We have to exchange views with our ally.

Dr. Kissinger: All right, that’s fair enough. But we will finish the discussion before we leave Hanoi. Not tonight.

Le Duc Tho: But you will be leaving the day after tomorrow.

Dr. Kissinger: Yes. But you are very persuasive.

Le Duc Tho: But we should have time to discuss with them. And they are not here.

Pham Van Dong: Let me add: Frankly speaking, I am unwilling to discuss the problem of Laos so much in detail and so deeply. There is no reason that we debate things here when the two Lao parties are discussing things in Vientiane. And the political process that has been suggested, I am afraid it is not realistic. The political situation is complicated. The situation we have in South Vietnam is clearer; in Laos it is very difficult. The 1962 Agreement has not been implemented in a very good way because of the political problems. If now we decide a deadline for the two Lao parties to achieve a political settlement, and if they don't achieve it, then what will happen? And I therefore think we should suggest it to them and let them discuss.

The question of the ceasefire is definitely settled. The question of withdrawal of troops, in principle it is settled. For the time being, let them discuss. The political question let them discuss. We will welcome it if they can come to an early settlement. But if they delay in settling, the two previous problems are being settled too.

Dr. Kissinger: What two problems?

Pham Van Dong: The question of ceasefire and troop withdrawal.

Dr. Kissinger: They are not being settled if they can't agree?

Pham Van Dong: I think that if the political problem drags on, they will agree on a settlement. Because the logic of the question is that the ceasefire and troop withdrawal are linked. And as to the political problems, they are not necessarily linked.

Dr. Kissinger: I agree with the Prime Minister. I am in complete agreement with you. I think he should discipline the Special Adviser. [Laughter]

Le Duc Tho: The question here should be discussed here by our friends. It is therefore discussed and settled with Phouma in this way.

Dr. Kissinger: But in what way should it be discussed? I agree with the Prime Minister. I agree that the two problems of the ceasefire and withdrawal are linked. I don't think . . .

Le Duc Tho: But the Pathet Lao insist that it come only after the settlement of the ceasefire, and I think that this proposal will encourage the two parties to settle the issue quickly.

Dr. Kissinger: But this is really a way of using outside forces to bring about a political solution.

Le Duc Tho: What I said is that the proposal is based on what is proposed by the two Lao parties.

Pham Van Dong: This is also the first time I listen to the view that the foreign troops are used to settle the political settlement. So as I

proposed, we should stop the discussion of this question here, so we may exchange views with our allies.

Dr. Kissinger: Fine, but in what sense, Mr. Prime Minister?

Le Duc Tho: The difference is our allies. There are many solutions possible. We can make one suggestion or another to our allies.

Dr. Kissinger: But if we make one suggestion to our allies and you make another to your allies, they will never agree.

Le Duc Tho: The direction should be clear and should be decided by our allies.

Dr. Kissinger: It depends. I agree that the objective should be made clear.

Le Duc Tho: So we further discuss this question tomorrow.

Dr. Kissinger: Cambodia, anybody? I am used to 17-hour sessions.

Pham Van Dong: Shall we adjourn now. It is 7:30.

Dr. Kissinger: I am afraid we will still be here two weeks from now. Cambodia tomorrow, then economic. But at some point we must discuss the communiqué.

Pham Van Dong: I propose that Mr. Thach and Mr. Sullivan discuss the communiqué first.

Dr. Kissinger: All right. They can meet this evening.

Nyugen Co Thach: It is all ready.

Dr. Kissinger: It is all drafted. Can you pick it up in an hour? I want to review it once more. We will give it to the protocol officer at the Guest House. We had planned to leave Tuesday noon, but we could leave later in the afternoon. We have that much margin.

Pham Van Dong: We would like to do our job in a more expeditious way, so that you can keep your departure time. For example, the question of Laos can be left to the Lao. And more reason for the Cambodia problem.

Dr. Kissinger: It is the only foreign troops that concern us. If we can leave it to them, that's fine.

Ambassador Sullivan: Do you have a copy of the communiqué?

Nyugen Co Thach: Yes.

Dr. Kissinger: We will give the communiqué to the protocol officer. What time do we meet in the morning?

Pham Van Dong: At 9:00.

Dr. Kissinger: Okay.

Pham Van Dong: There are two questions left now: Cambodia and the economic.

Dr. Kissinger: And normalization of relations.

Pham Van Dong: So, three questions.

Dr. Kissinger: We have the paper on normalization. Maybe you could read it. Just to speed up the discussion. [Hands over US paper, “Normalization of US–DRV Relations”, Tab B.]

Le Duc Tho: You have a paper on healing the war wounds?

Dr. Kissinger: Yes. But first I want to discuss it.

[The meeting adjourned.]

53. Memorandum of Conversation¹

Hanoi, February 12, 1973, 9:05–10:40 a.m.

PARTICIPANTS

Le Duc Tho, Special Adviser to DRV Delegation to the Paris Conference on Vietnam

Vice Foreign Minister Thach

Nguyen Dinh Phuong, Interpreter

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs

Winston Lord, NSC Staff

David Engel, NSC Staff

Le Duc Tho: Mr. Special Adviser, today I would like to raise with you some questions. Before you came, it was decided that we would first discuss the implementation of the Agreement; secondly the questions of healing the war wounds and normalization of relations between the two countries; and then the question of the International Conference. Yesterday you raised the question of Laos and Cambodia. So this is a new item you added to the agenda. But we are prepared to discuss these problems. But these problems include some complicated questions. I therefore think that when you discuss with our Prime Minister you should confine the topics to your aforesaid questions, first the implementation of the Agreement, secondly the healing of the war wounds, and thirdly, normalization of our relations. As to the question of the International Conference, we will leave that to Mr. Thach and to Ambassador Sullivan to discuss this first.

As to the question of Laos and Cambodia, when we were in Paris we discussed the understanding and came to an agreement in Paris.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 113, Country Files, Far East, Vietnam Negotiations, Hanoi Memcons, February 10–13, 1973. Top Secret; Sensitive; Exclusively Eyes Only. The meeting was held in a private room at the DRV Government Guest House. All brackets are in the original.

Therefore, this question should be discussed between you and I. Yesterday we solved one question already, that is to say the question of the ceasefire. So we have now agreed on what we had agreed on previously. I discussed this with you and came to an understanding with you and whatever understanding we reached at the time we will carry out. So I discuss with you as I previously had discussed. Naturally, regarding the questions of Laos and Cambodia, when you raise them we are prepared to discuss them. But these questions we should also discuss with our allies and have their agreement. And we cannot coerce them or decide before their agreement. This is their right to do that. This is what I have been telling you all the time.

Now, regarding the question of Laos. Yesterday we expressed our views to you. Now today do you have anything to say about the question of Laos? Finally you propose that we should set a date for the settlement of political problems. You set a deadline for this.

Dr. Kissinger: Yes.

Le Duc Tho: In other words, to settle the conclusion of the overall agreement and counting from that date you settle the question of troop withdrawals. As to the time period of troop withdrawal we will leave that to the two Laotian parties to discuss.

Dr. Kissinger: I agree.

Le Duc Tho: So my intention is that now you and I exchange views on that question, and afterward I will discuss it with our allies. We should obtain the agreement of our allies because previously we discussed with our allies about the question of ceasefire and actually we discussed with them only that question. The question you raised yesterday we had not had an opportunity to discuss with our allies. So I propose that now we exchange views on that question so we can discuss and consult with our allies.

Secondly, regarding the question of Cambodia we have been talking about this question lengthily already.

Dr. Kissinger: But with no precision. (Laughter)

Le Duc Tho: You always want something concrete.

Dr. Kissinger: I learned that from the Special Adviser.

Le Duc Tho: For me some things are worthy to be learned but some things are not worthy to be learned.

Dr. Kissinger: I now know the Special Adviser can be very concrete when he wants to be.

Le Duc Tho: I have talked to you lengthily about questions on Cambodia, but I have not known your views regarding this question.

Dr. Kissinger: Should we finish Laos first and then we can discuss Cambodia? First, it is up to the DRV government and Politburo to decide whom I should talk to about what subject.

Le Duc Tho: With me.

Dr. Kissinger: Of course, it is always a personal pressure for me to speak to you, Mr. Special Adviser. (laughter)

Le Duc Tho: The intention of Premier Pham Van Dong concerning his discussion with you is on the aforesaid matters.

Dr. Kissinger: This is fine. I was just responding to your question. You said at first that I should discuss Laos with the Prime Minister.

Now what is the problem? We have two possibilities with Laos. We can either count the time of withdrawal from the time of ceasefire, which is really what the understanding requires. In that case the Laos parties can talk without any advice from us. Or we can recommend to the two Laos parties that they settle within the time period we recommend, say within 10 days, and that they settle withdrawal between them, but this should be somewhere between the proposal of Souvanna Phouma, which I think is 30 days, and the proposal of the Pathet Lao, which is 90 days. But we don't take a position exactly where this should be. These are the two possibilities as I see them.

Le Duc Tho: Yes. You handed to us a paper on which there were modalities for troop withdrawals. It is very complicated. Therefore, I suggest we leave it aside and leave it to the Laos parties to discuss. Previously we exchanged our views on the questions of the ceasefire and on the questions of the troop withdrawals . . . (Thach interrupts) So from the ceasefire to the settlement of the agreement we will recommend to our allies [a time period]. As to the other questions, we leave this to the discretion of the other parties.

Dr. Kissinger: What will you recommend, Mr. Special Adviser?

Le Duc Tho: There are two questions. We will exchange views between you and I and recommend to the Laos parties, since the question of the ceasefire we have settled.

Dr. Kissinger: We have settled, but your friends have not gotten the word because yesterday they refused to separate the ceasefire.

Le Duc Tho: They have not known yet probably because it was yesterday morning, and they probably knew yesterday night.

Dr. Kissinger: I am sure you carry out your promises. I have confidence in the Special Adviser.

Le Duc Tho: I will keep whatever I promise to you.

Dr. Kissinger: You make them in a way that no one can understand. (Laughter)

Le Duc Tho: But you promised me about the question of healing the war wounds.

Dr. Kissinger: The Prime Minister said there was no linkage, and that it is a separate problem. (Laughter)

Le Duc Tho: It is what Pham Van Dong told you. You and I know differently, because we talked about the question in Paris already. I remind you that I keep my promises—15 days.

Dr. Kissinger: (looking at his watch) Not yet. I'll make . . . Let's talk about Laos and Cambodia. Then I want to make a realistic comment to you about healing the war wounds because if you do not trust me on healing the war wounds, it will turn into a disaster. You must let us do it in our own way, and when you come to America, you will see that we did it in your interest.

Le Duc Tho: Let me pass over it very briefly. Our interest is to have a lasting peace and a long-term relationship with the U.S. In settling the Vietnam problem we wanted to follow this direction, and now we agree with you on some questions of the Laos problem, it was also in the same direction. If now we have shown good will, a great deal of good will to you, you should do the same for us . . .

Dr. Kissinger: We will.

Le Duc Tho: . . . to maintain good long-term relations.

Dr. Kissinger: That will be our intent and policy.

Le Duc Tho: And when we respond to your requirements and keep our commitments you should do the same, too, because only in this way can a good and long-term relationship be maintained.

Dr. Kissinger: I agree.

Le Duc Tho: Let me speak about the Laos question. I think it is very realistic to adopt the second direction. I should say that today we exchange views with you and then have discussions with our allies because this question has just been raised by you yesterday. I thought that when you came it would only be a question of ceasefire. When you gave us a list before the visit here, it was only the question of ceasefire, so we have not yet had an opportunity to exchange views with our allies.

Dr. Kissinger: Can I tell the Special Adviser something? I asked my new secretary what she thought of the Special Adviser. She said he looked very sincere and very defenseless. "You should be gentle with him." I said he may be sincere, but he is not defenseless.

Le Duc Tho: So I think we should now come to an understanding about the deadline for settling the overall agreement.

Dr. Kissinger: I agree.

Le Duc Tho: Then we will consult our allies about that and let them decide the time period for troop withdrawal.

Dr. Kissinger: But it can't be longer than the Pathet Lao's proposal.

Le Duc Tho: We will let them decide.

Dr. Kissinger: It can't be longer. They can't change their minds.

Le Duc Tho: On this basis they will decide. So now regarding the deadline for the settlement of political problems, yesterday you proposed 15 days. Today you raise 10 days. I think it is impossible to achieve it this rapidly.

Dr. Kissinger: We did it in four days.

Le Duc Tho: After taking so long a period we came to a result. But after we came to an agreement we needed three months more.

Dr. Kissinger: That was because your government kept overruling you.

Le Duc Tho: For instance, on the question of the formation of the government in Laos, it is very difficult to come to an agreement. Therefore we should persuade our allies as soon as possible. At least it should take 45 days.

Dr. Kissinger: And only then the withdrawals start?

Le Duc Tho: Yes.

Dr. Kissinger: That is impossible. That is unreasonable. The Agreement says that troops should be withdrawn after the ceasefire and the understanding says that after the ceasefire they discuss modalities. It doesn't say political agreement.

Le Duc Tho: Even the discussion of modalities will take some time. I agree that if they can come to an agreement on political problems, I agree that they do that, but I am afraid they will not be able to do that. Even in 1962 it took over one year before they started discussing the settlement of the problem and when they started to settle the problem it took over one month to come to an agreement. Sometimes regarding the timeframe you and I both wanted to have a quick settlement but we couldn't meet the schedule. You proposed many schedules but on many occasions the schedule couldn't be met. When now we set the time frame we should endeavor to keep the time frame.

Dr. Kissinger: But in the Agreement it says nothing about the withdrawal of troops being dependent on a political settlement in Laos. Article 20(b) says they shall withdraw foreign troops which, in most agreements, means after the signature. Now we said there would be a ceasefire and the understanding says there will be withdrawals after the ceasefire. Now you are delaying withdrawals until after a political settlement. This makes it very hard to convince us of your sincerity since on the whole Agreement with our people we have said there would be withdrawals of forces from Laos and Cambodia. We didn't sign the Agreement in order to keep foreign forces in Laos and Cambodia. We have always made this clear. It is a new theory of international relations to say that it is interfering in the domestic affairs of other countries to withdraw your troops. Up to now it has always been the opposite.

Le Duc Tho: But the Agreement just raised the principle of withdrawal.

Dr. Kissinger: It doesn't say that. What if I say that it just raises the principle of American troop withdrawals. (Tho and Thach confer.) We understand some delay.

Le Duc Tho: You will carry out the Agreement. You raise questions about the Agreement and I have some views, but let us discuss. We are at the point that we agree that there should be a settlement of the problem. You propose 15 days and we propose 45 days. Let us agree on that point and leave the discussion of details to the Lao parties.

Dr. Kissinger: But I can't agree to 45 days.

Le Duc Tho: But the experience we have had shows that we can't discuss political problems in 15 days. If now they can settle the problem in 15 days, we agree.

Dr. Kissinger: Our experience with you is that you settle everything on the last day. You are releasing prisoners on the 15th day. The ceasefire, if it happens, will be on the 15th day and on the ceasefire you told me that it might be earlier. You are not in the habit of paying in advance.

Le Duc Tho: So I think if it is not 45 days, it at least should be 30 days. Roughly 30 days—maybe sometime earlier or sometime later. If they do that in 10 days, I agree. So you see when we set a time limit we direct an effort to meet the time limit.

Dr. Kissinger: I think if we send Thach to Sam Neua, he would be so bored that he would settle in 15 days.

Mr. Thach: Five days.

Dr. Kissinger: He will make a big effort.

Le Duc Tho: At the most one month. The sooner the better.

Dr. Kissinger: It won't be sooner. 20 days is reasonable. That is 3 weeks. You can't spare Mr. Thach that long as you need him for other things.

Le Duc Tho: You see 15 days more for a ceasefire for a war is meaningless. The reason I propose this is to leave our allies some margin for maneuver.

Dr. Kissinger: They are maneuvering too much already. (Not translated.)

Le Duc Tho: To arrange things. They should endeavor to do this earlier.

Dr. Kissinger: Let me understand the exact proposal. The ceasefire will be within the next 15 days. That is agreed to.

Le Duc Tho: Yes.

Dr. Kissinger: Then you propose within 30 days there would be a political settlement.

Le Duc Tho: An overall agreement.

Dr. Kissinger: As part of the overall agreement. Foreign troops will be withdrawn in the time period between the 30 days proposed by Souvanna and the 90 days proposed by the Pathet Lao. But where shall it be negotiated?

Le Duc Tho: We have no objection to the decision of the Lao parties. They will discuss within the framework of the proposals the Lao parties have made.

Dr. Kissinger: But it won't be a new one.

Le Duc Tho: I agree. You are very tough.

Dr. Kissinger: You are so defenseless.

Le Duc Tho: My defense is known to you.

Dr. Kissinger: You have subverted my secretary. I am glad I didn't know the Special Adviser in his younger days. My secretaries would have deserted.

Le Duc Tho: So we have settled the Laos question.

Dr. Kissinger: Let me talk one minute with Ambassador Sullivan, who is the expert on Laos. (He starts to leave and Tho continues the conversation.)

Le Duc Tho: We have exchanged views. Now I have to consult my Prime Minister. You consult your ally, too.

Dr. Kissinger: Provisionally we will keep it at this, and I will tell you definitely this afternoon.

We also must talk about Cambodia. I want to talk very seriously and to get concrete. I know you are very suspicious concerning the healing of the war wounds, and we will make a very big effort with our Congress. I will explain the problems when I talk to the Prime Minister, and we have some concrete ideas. But the political reality is that if we cannot point to some concrete performance in implementation of the Agreement, in Laos and Cambodia especially, it will be impossible. It doesn't make any difference what we recommend. I have already appeared before Congress as you probably know. I appeared before the Senate and the House and recommended the program. I have never done this for any country. It is a very unusual event. So you can be sure that we will make a very big effort, but there are real constraints.

On Cambodia something must happen. We believe Lon Nol is ready to talk to you and we would encourage this. And we would encourage negotiations between the parties in Cambodia. But now military actions have started again, and we also have no indication when there is planning for troops to be withdrawn.

Le Duc Tho: Let me talk about this. The Cambodian problem contains many difficulties, as you know. How can we directly talk to Lon Nol?

Dr. Kissinger: You can talk indirectly to him.

Le Duc Tho: Even indirectly. There is the sovereignty of the National Union Government. It is up to them to decide when to talk and not to talk. We ourselves cannot talk. This way of doing things is impossible. It is impossible to do it this way. It is a very difficult problem. When we met in Paris I pointed out the difficulties to you and you acknowledged them. If it is as easy as the Laos problem, we can exchange views between you and I, and we can settle the problem. Even talking to Prince Sihanouk is not easy.

Dr. Kissinger: We had him for a few years and now you do. You can have him for a few years, and then he will come back to us. I agree with you. It is not easy to talk to him. There is no natural law that says the Communist side must conduct its affairs through a royal prince (laughter). I never read that in Lenin.

Le Duc Tho: Lenin is very flexible. It is a principled theory, but flexible. Personally with Prince Sihanouk there is no difficulty for us to talk to him. But there are many factors which make it difficult, not easy.

Dr. Kissinger: Like what?

Le Duc Tho: You understand already.

Dr. Kissinger: Sihanouk said publicly here that you told him that I would talk to the Chinese. (Le Duc Tho indicates puzzlement, and Dr. Kissinger repeats.)

Le Duc Tho: I did not say that.

Dr. Kissinger: He said it.

Le Duc Tho: He is very exuberant in talking. Sometimes he heard from other sources about that. You see it is a difficult problem. When I raised difficulties, you said that you would talk to the Chinese.

Dr. Kissinger: I will talk to the Chinese, but I don't know what to say since I don't know your intention.

Le Duc Tho: Our intention is that sovereignty lies with the Government of National Union.

Dr. Kissinger: And therefore you say there won't be peace until Lon Nol is overthrown.

Le Duc Tho: You asked this question of me in Paris.

Dr. Kissinger: That is what you are saying. You are saying that there will be a continuing civil war which you will assist. So how are you actively contributing to peace?

Le Duc Tho: Let me tell you about this. In my vision of the general situation, once the Vietnam problem and the Lao problem are solved, so the objective conditions will lead to settlement of a Cambodian problem.

Dr. Kissinger: In thirty-five days.

Le Duc Tho: It depends on you.

Dr. Kissinger: How?

Le Duc Tho: You asked me whether the other day you should talk to Prince Sihanouk. I said you should. The settlement of the Cambodian problem will involve the return of Sihanouk because between Sihanouk and Lon Nol there is a question of death and life.

Dr. Kissinger: So you are saying we have to kill Lon Nol, or he can kill himself?

Le Duc Tho: You asked me a question, and I am frankly speaking. I told you my personal views. I am just raising the real situation, the actual situation. For the solution of the Cambodian problem will depend on you and Sihanouk.

Dr. Kissinger: But how?

Le Duc Tho: As far as we are concerned, when it is settled what we told you we will carry out.

Dr. Kissinger: And until then you will keep your troops there?

Le Duc Tho: It is just like the Laos question. How do we do that if the settlement is not yet done?

Dr. Kissinger: There is nothing in the Agreement which says that foreign troops stay in Cambodia until there is a political settlement. It would have been easy enough to say, and we would never have accepted it. It would have been easy to say that there are two problems in Cambodia. One is the settlement between the Cambodian parties. I can understand you can't bring that about. The other is the withdrawal of foreign troops. That is a separate problem.

Le Duc Tho: Your concern is too mechanical. So you see the settlement of the Cambodian problem will call for some negotiations. As far as I understand it, Prince Sihanouk is ready to meet you. Are you willing to meet him? How can one settle the issues?

Dr. Kissinger: But that's a separate issue. Are you saying you are entitled to put your troops in any country you want to until they settle their internal affairs?

Le Duc Tho: No. You see it is incorrect to say as you just said it, because you have your forces there and bombing.

Dr. Kissinger: We will stop immediately. First, it is not true. We didn't bomb for twelve days. We will stop bombing when there is a ceasefire. If your allies stop bombing we will stop bombing immediately. Secondly, you are obligated by Article 20(b) to withdraw your forces from Cambodia. Nothing in Article 20(b) says that this takes place after a political settlement. And if your forces stay, you will violate the Agreement, and we will treat it as a violation of the Agreement.

Le Duc Tho: We do not violate the Agreement. All these questions relate to our ally in Cambodia. It is not so easy as with the Laotian allies. And even with the Laotian allies we have had discussions.

Dr. Kissinger: They are two separate problems.

Le Duc Tho: It is the same.

Dr. Kissinger: The presence of your forces depends on your decision. Your forces are not prisoners there.

Le Duc Tho: But it is related to the settlement of our ally. We have commitment to our ally, and our ally has not begun negotiating now. Even when we were in negotiations I pointed out to you the difficulties.

Dr. Kissinger: You said it was difficult to put into writing. You said you could do more than you could write. Now you are doing nothing. What you are doing is you are demanding the overthrow of Lon Nol.

Le Duc Tho: I have no right to demand that. The Royal Government of National Union . . . In Paris you asked me privately. I told you privately my personal thinking that it would be very difficult if one did not talk to Prince Sihanouk or if Prince Sihanouk did not return to Cambodia. I have no power or right to overthrow Lon Nol.

Dr. Kissinger: But you have the power to withdraw your forces; not only the power, but the obligation.

Le Duc Tho: You are not realistic. After a settlement we will carry out our obligations.

Dr. Kissinger: Nothing in the agreement says after the settlement. It would have been easy to put in that it takes place after the settlement.

Le Duc Tho: But there is nothing in the Agreement that says when. It is only a principle. We have also discussed with our allies, and I told you privately already, but when we met Sihanouk or when we met our Cambodian friends, we told them that you should enter into negotiations. But it's their right to decide. And moreover when we finished the Agreement and sent a message to you, and President Nixon said he was satisfied . . .

Dr. Kissinger: That was totally different. We talked about the ceasefire. There was nothing about the withdrawal of troops which we thought was taken care of by the Agreement. There are two problems—the problem of ceasefire and the problem of withdrawal of forces. You said about the ceasefire that you would actively contribute, but the withdrawal of foreign forces was not discussed.

Le Duc Tho: I disagree with you. We negotiated a couple of months in Paris about that. You said that we are obligated to settle the problem of Cambodia but . . .

Dr. Kissinger: That is a different question. We are willing to leave a settlement open, but we are not willing to leave foreign forces open.

I must tell you that this is a severe difficulty for us. We will not accept this.

Le Duc Tho: We did not settle this problem with you, and when we finished the Agreement we said in a message about the question of Cambodia, when asked by President Nixon, that this is a very complicated question.

Dr. Kissinger: The President was speaking about the ceasefire.

Le Duc Tho: Not just the question of ceasefire.

Dr. Kissinger: There was nothing about the withdrawal of forces from Cambodia, which is settled in the Agreement.

Le Duc Tho: The Agreement had the principle of no foreign troops or war matériels being introduced into the country. But this should be done after the settlement. We can't come to a solution to this problem if we talk here, because it is a complicated question.

Dr. Kissinger: You can come to a solution concerning the withdrawal of foreign forces. You can't come to a solution of the internal Cambodian problems.

Le Duc Tho: I have been telling you, explaining to you, lengthily on this question. We have a commitment to our ally. We cannot leave our ally defenseless.

Dr. Kissinger: Why shouldn't your ally defend itself? And should there be a ceasefire, then your ally is not defenseless.

Le Duc Tho: It is up to the Cambodian people and our ally.

Dr. Kissinger: You said that you would make an active effort to bring about peace in Cambodia. This did not concern forces. That is a separate matter. Now you tell us that Sihanouk will not talk to his opposition. So there cannot be peace. So you are telling us your forces will stay indefinitely.

Le Duc Tho: I think here you should find out a solution with the Cambodians because you are fighting them and you should find out. So in a word we cannot solve this problem. When I talked to you I said that you should talk to the Chinese.

Dr. Kissinger: But all the supplies come from here.

Le Duc Tho: I told you after the ceasefire in Vietnam and Laos we would never do that.

Dr. Kissinger: What?

Le Duc Tho: We would never introduce troops and war matériels, and when there is a settlement we will withdraw.

Dr. Kissinger: But until there is a ceasefire in Cambodia you will introduce war matériels?

Le Duc Tho: You just decided to continue to give military aid to the Cambodian Government the other day.

Dr. Kissinger: How about the provision that you can't use base areas in Cambodia?

Le Duc Tho: We will respect that.

Dr. Kissinger: After the ceasefire in Cambodia?

Le Duc Tho: After the settlement we will implement this provision.

Dr. Kissinger: But not now.

Le Duc Tho: There is no settlement yet in Cambodia.

Dr. Kissinger: In the absence of a settlement in Cambodia you will use base areas in Cambodia.

Le Duc Tho: We have no bases in Cambodia.

Dr. Kissinger: What does Article 7 mean?

Le Duc Tho: It is definite that we will not violate Article 7. It is under the control of the ICC and the Joint Military Commission. We will not introduce anything.

Dr. Kissinger: The Agreement also says that you cannot use base areas in Cambodia and Laos against each other. It doesn't say after the settlement. It says now.

Le Duc Tho: We will not use Laos and Cambodia now to introduce armaments and troops into Vietnam. Moreover there is the control mechanism.

Dr. Kissinger: Mr. Special Adviser you engaged in clandestine acts in South Vietnam. Let's not fool each other. You know 1,000 ICCS people will not be able to control that border.

Le Duc Tho: If you say so what reason do you and I have to discuss and set up the ICCS? Moreover our general policy is not to do that.

Dr. Kissinger: I must say I am very upset about what you say about Cambodia. I can tell you now that it is totally unacceptable to us. This is a very serious affair for our relations. This is a fact.

Le Duc Tho: I cannot accept your point of view as you just said. As to the relationship of our two countries, it completely depends on you. As far as we are concerned, we do want good relations with you starting at this point. If you don't want that . . .

Dr. Kissinger: We want a good relationship. We want strict implementation of the Agreement. Why did we write withdrawal of foreign troops into the Agreement if it has to be negotiated again as part of another settlement? That is absurd. We would not have agreed to something that has to be agreed later as part of another settlement.

Le Duc Tho: You are right there is such an agreement. But how and the kinds of modalities—these need discussion.

Dr. Kissinger: If it is necessary to take this attitude about every article in the agreement then it would never be implemented.

Le Duc Tho: You say so to have a pretext not to implement it.

Dr. Kissinger: I am not saying that.

Le Duc Tho: Your approach to the problem is not right. You pose that the Vietnam problem, the Laos problem, the Cambodian problem as a complete whole, as a simultaneous problem.

Dr. Kissinger: No. I agreed to separate them. You can't say we have to settle with Sihanouk as the only possibility when we recognize Lon Nol. That's impossible. You know that's impossible. What is your active participation?

Le Duc Tho: If you refuse to talk to Sihanouk, that is your decision.

Dr. Kissinger: Why should we talk to him? Why doesn't he talk to the other parties in Cambodia?

Le Duc Tho: Our active contribution was when we talked to our friends, that he should talk to you.

Dr. Kissinger: That's not new. It has been said before. That's no active contribution. That's not new. You have always said this. Every time I was in China he offered to see me.

Le Duc Tho: But you are unwilling to meet him.

Dr. Kissinger: What active contributions are you offering? We can get without you the ability to talk to him. Besides it is an internal Cambodian problem. Why should we negotiate it?

Le Duc Tho: Because you overthrew him.

Dr. Kissinger: Let Sihanouk talk to his opponents.

Le Duc Tho: It's up to them. We can't force them to talk. You say as if we can do everything.

Dr. Kissinger: But you can do a lot more.

Le Duc Tho: How do we settle the problem? With our allies to settle the problem in Laos we accomplished this. Regarding Cambodia we advised Sihanouk he should settle and enter into negotiations to settle the problem.

Dr. Kissinger: He has offered to talk to me. Do you think that is a great concession?

Le Duc Tho: I don't understand. Because each person has his own way. Like in 1966 you wanted to settle that with me.

Dr. Kissinger: In 1966?

Le Duc Tho: 1966–67. You found a way.

Dr. Kissinger: I didn't even know you existed, Mr. Special Adviser.

Le Duc Tho: You can't coerce me to do that.

Dr. Kissinger: I am not trying to coerce you. I have too much experience. I am not coercing you. You told me after the Vietnam settlement that the Cambodian war would end very rapidly. You said

that your troops would withdraw from Cambodia. That was not dependent upon our settlement. These are two separate problems. I showed understanding of your difficulties on the ceasefire, but I never made allowances for the withdrawal of troops. This will be considered a total act of bad faith by everybody in America. Not just by me. This is a fact.

Le Duc Tho: Let me say one sentence and then go. We've held matters up for too long.

Dr. Kissinger: You always speak on your side.

Le Duc Tho: In Paris I told you on many occasions that you didn't put yourself in our place. You don't look at our side. We also have our difficulties. The war in Vietnam is ended. The war in Laos is ended. There is no reason for us to continue the war in Cambodia, speaking for ourselves.

Dr. Kissinger: Why don't you end it?

Le Duc Tho: You speak in a very simple way. It is not so simple. We can't decide it alone. In Paris you realized it was a complex problem.

Dr. Kissinger: On the ceasefire, not withdrawals.

Le Duc Tho: There always should be a ceasefire between the parties and then troop withdrawal. It cannot be with a war going that you tell us that we should withdraw. You should see that the Vietnam problem was settled. Regarding the Laos problem we should get a way to find a settlement. Why is the Cambodian problem not settled? Because it is a very complicated problem. There are many complexities, and you talk in a very simple way. Prince Sihanouk came here to talk, so he left on the 7th. So there is difficulty. You don't understand the problem. You are too simple.

Dr. Kissinger: I understand. Maybe I am too simple, but I know what is possible and impossible. And I know that it is impossible to convince Americans that clear obligations in an agreement can be abrogated without any proposed evolution. If there is a proposal, that is one thing. In Laos we can show understanding.

Le Duc Tho: The Cambodian problem is difficult. The problem of Cambodia is difficult in the sense that there is not yet negotiations for the time being. You are unwilling to talk and we can't push it.

Dr. Kissinger: They can negotiate with each other. We have pushed our friends. They are willing to talk to you and others, and they don't like to talk either. Why should we be the principal party in the negotiations in Cambodia? It is absurd.

Le Duc Tho: Mr. Lon Nol can't talk to us. He must talk to his opponents. Like in Laos, Souvanna Phouma talked to his opponents.

Dr. Kissinger: OK. For the same reason I don't want to talk to Sihanouk. Let him talk to his opponents.

Le Duc Tho: We encouraged Mr. Sihanouk to enter into negotiations, but he is not so easy. We can't tell him positively you do this, and you do that. We say if possible you should enter into negotiations. It is not so simple a problem as you think. If it were like Laos . . .

Dr. Kissinger: Our judgment frankly is that Sihanouk has no following in Cambodia. The Khmer Rouge has some following and Penn Nouth may have some following, but Sihanouk has no following.

Le Duc Tho: That is a wrong assessment.

Dr. Kissinger: But that is up to them. I see no reason why the U.S. should conduct negotiations with Sihanouk about the internal arrangements of Cambodia.

Le Duc Tho: It is up to you.

Dr. Kissinger: You are giving us impossible conditions. We favor internal negotiations in Cambodia.

Le Duc Tho: We do not demand that you should talk to Sihanouk. But in Paris you asked me, and I explained my personal views, but it completely depends upon you.

Dr. Kissinger: You say then that the Civil War continues, and the troops will stay, and war matériel will go into Cambodia. All in total violation of the agreement. That is unacceptable to us.

Le Duc Tho: Your logic does not conform to the logic of reality. We wonder whether you want negotiations or not. If you do there are many channels. You can find out many ways, solutions and calculations, and put them into practice.

Dr. Kissinger: So can you, and you have taken obligations.

Le Duc Tho: We will carry out our obligations. You will carry out your obligations. At the beginning there were so many difficulties between you and I.

Dr. Kissinger: But we have just found a massive one. We cannot stand prosperity.

Le Duc Tho: Let us adjourn now.

Dr. Kissinger: I do not want to understate the seriousness of this problem.

Le Duc Tho: I'll stand up. It is not a problem that is easy to solve.

Dr. Kissinger: If it is easy, you do not want to deal with it.

Le Duc Tho: Your recommendation is too simple. It is difficult. You should understand me. Only when you understand me, can we find a solution. We made an effort. It is too complicated. Let me tell you that you came on the 10th and on the 7th he left. Sihanouk did not want to go. And you say it is easy.

54. Memorandum of Conversation¹

Hanoi, February 12, 1973, 11:02 a.m.–1:03 p.m.

SUBJECT

Economic Reconstruction

PARTICIPANTS

Pham Van Dong, Premier

Nguyen Duy Trinh, Deputy Premier and Minister of Foreign Affairs

Le Duc Tho, Special Adviser to DRV Delegation to Paris Conference on Vietnam

Phan Hien, Member of DRV Delegation to Paris Conference on Vietnam

Tran Quang Co, Member of DRV Delegation to Paris Conference on Vietnam

Nguyen Dinh Phuong, Interpreter

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs

Richard T. Kennedy, Senior NSC Staff

Winston Lord, NSC Staff

David A. Engel, NSC Staff, Interpreter

Miss Irene G. Derus, Notetaker

Dr. Kissinger: Mr. Thach has left. If we can get the Special Adviser employed somewhere I think the Prime Minister and I can get things settled very quickly. [Laughter]

Le Duc Tho: Do you want to get rid of me too then?

Dr. Kissinger: Well, if you and the Foreign Minister would leave, I think we could come to an agreement very rapidly.

Pham Van Dong: Shall we begin now, Mr. Special Adviser?

Dr. Kissinger: Yes, Mr. Prime Minister.

Pham Van Dong: Before we begin the one remaining question, that is the economic question, I have one point to raise to you, Mr. Adviser. Today I think it necessary to launch strong protest against the cruel treatment and base treatment that our officials participating in the Four-Party Joint Commission have continuously met in the last few days. We resolutely demand an end to these brazen and unbelievable violations of the Agreement.

Dr. Kissinger: Are there new ones in addition to those you mentioned?

Pham Van Dong: New ones. Continuous violations and the serious case happened in Pleiku. They organized hooligans and engaged in

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 113, Country Files, Far East, Vietnam Negotiations, Hanoi Memcons, February 10–13, 1973. Top Secret; Sensitive; Exclusively Eyes Only. The meeting was held at the DRV President's House. All brackets, except where noted, are in the original. The tabs are attached but not printed.

violent acts and mishandling. At the same time there has been no improvement regarding the accommodations and the food, and according to the information available to us from a foreign journalist in South Vietnam, there appears to be mobilization [of this] by the Saigon authorities. I think it necessary to comment on the seriousness of this case. Yesterday Mr. Adviser said that when Ambassador Sullivan would go to Saigon he would arrange these things. Therefore, I think it necessary to recall this question again.

Dr. Kissinger: Mr. Prime Minister, I can only repeat what I said yesterday. It is totally against the policy of the U.S. to impede in any way whatsoever or to discourage the work of the Four-Party Joint Commission. We believe that the members of the Four-Party Military Commission should be treated with the dignity and the respect which their position and their office requires. While I am in Hanoi I have difficulty communicating in detail and I can only communicate in a general way with Washington.

Pham Van Dong: I understand.

Dr. Kissinger: So Ambassador Sullivan will be instructed by me to take measures when he comes to Saigon on Wednesday, and I will take personal measures when I return to America next Tuesday—in fact Monday; it will be Tuesday your time.

Pham Van Dong: I appreciate the statement made by Mr. Special Adviser. Shall I have now to listen to Mr. Special Adviser's views about the question we have to discuss today?

Dr. Kissinger: As I understand it, we have two items for discussion today: what we call economic reconstruction and what you call healing of war wounds, and after that, normalization of relations. The Foreign Office saboteurs are discussing the International Conference and the Communiqué [the Premier laughs], and when they have completed their work perhaps we will settle what issues they have not resolved.

Now I have thought a great deal of what I could usefully do here on the question of economic reconstruction. The Special Adviser has spoken out to me on many occasions with extreme interest on this question, and when I say on many occasions that means five times a day. I don't know how the Special Adviser operates in the Politburo but in negotiations it is impossible to overlook a point that he has on his mind.

Now with respect to the economic reconstruction, healing of war wounds, or whatever you want to call it, I think our biggest problem is your lack of understanding of our government process. I am speaking very frankly. And I thought the most useful thing I could do here is to explain to you what we intend to do, and what we have to do in order to achieve our objective. As a question of principle the economic

contribution of the U.S. is not a difficult matter to deal with. What is important, however, is for you to understand what it is legally possible for us to do and what it is not possible to do.

So, for example, you have proposed to us on a number of occasions that we should deposit a certain amount in a bank, the total amount in a bank. That is impossible according to the American constitutional process where the money is appropriated every year.

We have prepared for you a little booklet which contains a series of papers which are relevant to an understanding of economic programs in the U.S.

It contains the following items:

—Over the last three years the difference between what we have requested and what the Congress has authorized, and between what the Congress has authorized and what it has appropriated in each item on foreign economic assistance. This is a fact.

—A paper on the American constitutional process with respect to how money is appropriated.

—A paper on what programs are now being carried out by the U.S. in other countries and through what mechanisms.

—Some ideas on how a program for the DRV could be put together, and then various papers, three papers, on various institutions that could be created.

—Then I have included here statements which both the President and I have made publicly to support the program, and a collection of Congressional statements dealing with post-war aid to Indochina and North Vietnam.

And maybe if the Special Adviser is forced to read all of this he can't make as much mischief in Cambodia as he is obviously planning. I have three copies here. [Dr. Kissinger hands papers over to the other side. Tab A.]

Le Duc Tho: These are only papers for study?

Dr. Kissinger: This is for study, but they have a practical significance because we have to make some practical decisions on how to proceed. It is totally useless for us to discuss theories of why aid should be given, how it should be disposed of, because until we get the money there is nothing we can do about it.

Pham Van Dong: I apologize, Mr. Special Adviser. I am prepared to listen to all what you have said, and we will read all the papers you have given us and we will study it, but what shall we talk about today? I think that we will not have to talk about the governmental process in the U.S. And I should say that in the whole process of our negotiation we have never invoked some difficulty in the governmental process of our country as a pretext to demand some solution.

Dr. Kissinger: Mr. Prime Minister, this isn't a pretext; this is a reality. We have to be able to develop a concrete program and a concrete schedule, or we will be talking pure theory. And this is what I would like to discuss with you—how we can go from here to a concrete program. That is the purpose of my observation.

The first thing is, and you can ask friendly countries that have some experience with us, that the money must be appropriated on an annual basis by our Congress and it has to be appropriated twice. First, as an authorization and secondly, after it is authorized, the money has to be voted specifically. Incidentally if you don't believe me, I recommend that you invite a Congressional delegation here and see what they say to you. You can pick anybody you want, though it should be the key people, but you pick anybody you want. I am trying to give you a fair and honest account because we want this, and if we can work together, we can obtain it.

So this is a period where every year the Congress has cut the appropriation. You can see that when you look at the figures I gave you. I won't repeat it. For example, this year the Congress has refused to vote any new money and we are continuing to operate on the money of last year. This is why the last column is called "Continuing Resolution Authority". Secondly, as you know, the President has refused to spend money for domestic programs that the Congress has voted.

Pham Van Dong: Why? What is the reason?

Dr. Kissinger: The reason is because he wants to limit inflation, and he thinks the Congress has voted too much money and produced too great a deficit. Now imagine the problem when we go to Congress and say that we will not spend the money for domestic programs but we will spend it in North Vietnam with which we have been at war until six weeks ago.

With all due respect, Mr. Prime Minister, the Congressmen you have met don't represent anybody. And those who have to vote for this money happen to be totally different.

Now I want to tell the Prime Minister something else that we have decided, that no one in our government yet knows. We have decided to take the money for reconstruction for Vietnam out of our defense budget rather than out of our general budget where it usually belongs. Now this presents its own difficulties but—I am mentioning all these things to the Prime Minister not to create a pretext but to give him some feeling of the complexity of what we are up against.

Pham Van Dong: May I say this, Mr. Special Adviser.

Dr. Kissinger: Yes.

Pham Van Dong: First of all, I would like to express my suspicion. I tell you this so that if you have any persuasion then please persuade

me. I will speak very frankly and straightforwardly to you. It is known to everyone that the U.S. has spent a great amount of money in regard to the war in Vietnam. It is said about \$200 billion, and in conditions that one would say that the Congress was not fully agreeable to this war. When the war was going on then the appropriation was so easy [laughs], and when we have to solve now a problem that is very legitimate and then you find it difficult. We should not deem it necessary to go in the complete complexity, the forest of legal aspects. I feel it very difficult to understand. Of course, when one is unwilling then the legal aspect is a means to this end. And I will not debate that the money will be taken from which budget, and I don't think it necessary to invite any personality to ask his views on that—for the only reason, and a correct reason, that it is your affair. We have no reason to interfere in it, and there is also no necessity to do that.

Now please let me add one more idea. This is something of my imagination. If I have now to persuade the American Congress, I will succeed in persuading the Congress.

Dr. Kissinger: You haven't got a chance, Mr. Prime Minister. We have to do it for you. You couldn't get \$10.00.

Pham Van Dong: First, I will not be allowed to enter America. [Laughs] It is a supposition. Please.

Dr. Kissinger: Are you finished?

Pham Van Dong: Yes.

Dr. Kissinger: You're a very heroic people. You are also very suspicious people, and I can understand why you would be suspicious. You have not been treated especially kindly by history. On the other hand, there are some periods when it is essential to have a certain amount of trust. Now I recognize what the Prime Minister said has reasonable aspects. That is to say, it is true we spend a great deal of money on the war and not always with the easy agreement of Congress. But let me explain to the Prime Minister the differences in the situation.

First, the military budget of the U.S. is relatively large—very large. And within that budget the President as Commander-in-Chief has a great deal of flexibility as to how he allocates the funds. It is very difficult for the Congress to legislate specific activities in the military field because the subject is too complex and the budget is too large. Moreover, when there is a war going on, the Senate and the Congress evidently is very reluctant; they will talk a great deal, but they are very reluctant to take a vote in which they can be blamed for losing the war. It is an experience you have had. You have met many tigers who made great speeches here who disappointed you when they came back to America. So that is why the military budget is different from the economic budget, and strangely enough it is the small size of sums

in the economic aid budget which makes the Congressional control more in those. Nobody understands what \$80 billion is, but when you talk about \$3 billion everybody thinks he understands this and everybody thinks he can check every item. [The Premier laughs.]

Where incidentally do you have your tape recorder—in this flower? [Indicates a flower] Because if you play this recording to a Congressman I will be in great difficulty.

Moreover, even with the defense budget, which you may not realize, between the time we submit it and the time the money is voted, it usually takes over six months. Now in the second year of our program this is not a major difficulty, because you can always continue the old appropriation for a time until the new appropriation is voted, but in the first year when you start, it is always a problem because anything can happen until that first appropriation is voted.

Mr. Prime Minister, you are totally wrong when you assume that we are looking for a pretext. We recognize that economic reconstruction is an integral part of our understandings and agreements. We have absolutely no interest to trick you. We will make an energetic effort, and we will succeed, but we have to agree on how to do it and this is what I am trying to convey to you.

Pham Van Dong: Mr. Adviser, please let me speak more and then you will continue, Mr. Adviser. I apologize to you as I have to say this. If I were in your place, I would not do what you are doing right now because I do not think that it is really what you are saying. I do not think that it is so difficult. Secondly, if it were so difficult I would not be able to tell it to our opponent or interlocutor because I would be . . .

Dr. Kissinger: You would be what?

Pham Van Dong: Awkward. Because why should I present a difficulty on our part to refuse what I have to do? Therefore I feel it impossible to go into the complexity of the legal aspects. Because it is not our problem, and it is not necessary to do that.

Dr. Kissinger: Mr. Prime Minister, what you would do in my shoes I have no way of knowing. What I must do I have to judge because we cannot do it without your cooperation, and I am trying to explain to you what kind of program, why we must develop certain kinds of programs. But if you don't want to hear that, then tell me what it is you want me to say, and I will tell you whether I can say it or not. But we will certainly not advance this matter by discussing what you would do if you were in my shoes because you are not in my shoes.

Pham Van Dong: [Laughs] Now I will listen to you, Mr. Adviser.

Dr. Kissinger: What I am—if I can bother the Prime Minister for five more minutes with technical matters.

Pham Van Dong: Please.

Dr. Kissinger: Our assistance is given in various categories, and it is also given in two basic ways: either bilaterally or multilaterally together with other nations, either by a direct contribution to the country concerned or by putting it into some international fund together with the contribution of other nations. These are the two basic categories.

As to bilateral aid, we have the following categories which we have been giving in the past: there are development funds which are generally low interest loans and which are given for specific projects on a very long term basis. And they are used to finance the import of the commodities required for the particular development project.

Secondly, there is technical assistance which is used to support feasibility studies and advice to support the success of the particular project. Some of it can be used for such things as building bridges and roads.

Another category is food aid, that can be in the form of grants or in the form of loans, and this, as the term implies, can be used to finance the import of food for certain categories.

Fourth, and that is the category most applicable to you, there is what is called generally humanitarian assistance. This is in the form of grants that can be used to finance housing, roadbuilding—it is generally given for immediate human needs rather than longer-term development activities. It can be in the form of goods or it can be in the form of food, or it can be a combination of both. Now what we would have to do is to submit a special bill for humanitarian assistance for Indochina with a special category for North Vietnam in order to get this program started, and we are prepared to do this.

Now a total program should be ideally composed of a combination of all of these and that is what we want the Economic Commission to work out with your people.

In addition to these bilateral programs, there are a number of multilateral programs. There is the World Bank to which we are the largest contributor. There is the Asian Development Bank. There is the World Food Program.

In short, there is a variety of programs and mechanisms which we can use, and we have to work together to find out in which category to extend the assistance. You have to tell us what you want in the bilateral category and what you want in the multilateral category. You have to tell us—or it would help us if you could tell us, what is needed immediately, what is needed for emergency reconstruction and rehabilitation, what is needed for long-term reconstruction and development and what is needed in the category of food. Then we can

develop a coherent program. From our domestic point of view it would be easiest if the program could be handled in various categories but some of it could be done through multilateral institutions, some of it bilateral, and some of it in the form of immediate humanitarian assistance because this would diffuse the Congressional pressures.

Now we are prepared to set up this Economic Commission immediately and to go to Congress in April with a specific proposal and to put the whole prestige of the Presidency behind it. Until this has been done you should defer your judgment whether we are trying to be evasive or not. But we have to prepare it carefully, and above all jointly. Of course, we understand that you keep the final decision. Now the disposition of the funds is a matter that the experts should work out. It is easier for us if most of the money is spent in the United States, but I don't want to get into that issue. Wherever you spend it, it will wind up in Japan anyway. They are getting ready to buy the world. [The Premier laughs] So that part of it which the Prime Minister mentioned yesterday, we will settle easily. We have made many studies of the problem. Our difficulty is that we don't know your desires nor do we know your needs. We don't even know whether you would rather deal with multilateral institutions or whether you would rather deal with us bilaterally.

Pham Van Dong: Now please, Mr. Adviser, let me answer you. As I said yesterday, today I would like to stress it again, that is we should have a clearcut agreement on the very important points I raise now. I base myself on one provision of Chapter VIII of the Agreement to raise it regarding the obligation of the US to contribute to the healing of the war wounds and to contribute to rehabilitating the economy which was destroyed. We should understand each other. There is an obligation, and what I said yesterday, and what I am saying today, I hope that you clearly understand what I have to say. When the two Special Advisers have agreed on a certain amount in Paris that is only one point. We should have now a clearcut attitude on it. This is what we would like to have—the free disposal, the free use of this money to buy goods from the United States. These goods are aimed at rehabilitating and developing the very important branches of our destroyed economy, that is, communication and transport, industrial factories and enterprises or agricultural works and public utilities, to bring population centers accommodation and housing. It is now an obligation of the US to contribute to rehabilitate and develop these establishments destroyed by the war. I will not go into the details of these installations, but in the Joint Economic Commission they will list them out very concretely.

So as to remove the aftermath of the war, the consequences of the war and to remove them to some extent, we should like that the US

will bring about a contribution, significant contribution, for this is, of course, a very important, very necessary problem. For the US, I think that you should also realize the necessity, the obligation and the significance of this work.

Do we agree on that? If so, we shall have the free use of the amount of money without conditions.

As to the amount of money, under what form it is given, I think that it is not important, this question. How the selling and the buying will be performed, it is not a difficult question, but it should be borne in mind that the amount that the US will reserve to this work will be divided into five years. How much for each year will depend on the decision of the Economic Commission. What is the general program for the five years? What is the program for each year? It is on the basis of the Economic Commission and on the basis of the amount. But I think that we should settle these questions here in a very explicit way so that the Economic Joint Commission can do its job.

And then we answer to the note of President Nixon [Tab B], and if we can agree on that here, so far as I understand there will be no basic difficulty with regard to the Congress. We know that many countries now have the intention to support us in healing the wounds of war and to rehabilitate our economy. They have also to have the approval of their Congress, but it is their affair.

Dr. Kissinger: But they won't give you much money either.

Pham Van Dong: But for the US, if now you grant us an amount of over \$3 billion, in comparison to your Gross National Product it is meaningless.

Dr. Kissinger: Mr. Prime Minister, it would take too long to explain the objective domestic situation in America today to which you have mightily contributed.

Pham Van Dong: I understand.

Dr. Kissinger: So let me—are you finished, Mr. Prime Minister, or am I interrupting you?

Pham Van Dong: Please, Mr. Adviser.

Dr. Kissinger: The other countries . . . you will see when the program is started, you will probably find that with all the countries that you have had this sort of relationship, we will be the most unselfish. But let us wait for the future on that; that is not something to be discussed in this meeting. Let me answer your points concretely.

First, your point about free use. Before I get to this, I think it is very constructive that we do not decide in the abstract about the annual amount, but that we leave it to the Economic Commission to decide what amount is appropriate for each year.

Pham Van Dong: It is all right.

Dr. Kissinger: That is the correct way to proceed.

Le Duc Tho: But in accordance with your estimation.

Dr. Kissinger: Oh yes. Oh yes, without prejudice to the total amount.

Le Duc Tho: So naturally there will be some more, some less, in the annual amount but on the basis of your estimate, annual estimation.

Dr. Kissinger: That is right. I agree. I just think one should deal with it very practically. There may be several years when it is more than a fifth and some years it is less; it depends on what is needed. It should be done on a practical basis. I have no idea what is the right basis.

Pham Van Dong: That is quite right.

Dr. Kissinger: And I am not prejudiced about it. I have no view on the subject. Now let me turn to the free use which the Special Adviser mentioned only 834 times to me. [The Vietnamese laugh]

Le Duc Tho: This is how simply I understand. Since it is a grant and without payment as you said, then the money is in my pocket, in my hand; now it is free to use the money.

Dr. Kissinger: The Special Adviser knows a lot about clandestine activities in Cambodia and Laos, but not as much about economic matters. Let me talk to the Prime Minister about the free use as I see it. As I understand the Prime Minister, he said one could have a program in housing and for roads and for an industrial plant and for various categories. If the Economic Commission can make such a program then within each category there can be free use of the funds that will in no case be tied to any political condition.

Pham Van Dong: But this amount of money we have free use of, that means that we are free to use this amount of money to build whatever we like. The problem lies in this.

Dr. Kissinger: It has to be broken down into some categories.

Pham Van Dong: Right.

Dr. Kissinger: So if you say—suppose you say you want to build \$50 million worth of houses. There is an agreement then in the Economic Commission. Then that is up to you how you do that and where you do that.

Pham Van Dong: So this is . . .

Dr. Kissinger: As long as you don't build them in Laos or Cambodia. They have to be built in North Vietnam. I am just thinking of the Special Adviser's special concern.

Pham Van Dong: So this example is all right.

Dr. Kissinger: That is how we visualize it.

Pham Van Dong: But we should give full examples. For instance, the communication and transport we have to rebuild; the harbors, the

ports we have to rebuild; the railways, our factories, our industries, all industrial centers have been seriously damaged.

Dr. Kissinger: The way to do that is to agree on the form for the rebuilding of railways and then the projects are administered by you; or you make a project for the rebuilding of harbors and then it is up to you. This is how we visualize it.

Pham Van Dong: But here we should exhaust our ideas because if we do not settle the question of principle here then it would be difficult for the Joint Economic Commission to carry out its job.

Dr. Kissinger: But I have given you our thinking.

Pham Van Dong: So let me make it clear. So we will decide some amount for the building of houses, some amount for communication and transportation, some amount for industry or plants and some amount for agriculture, and then some amount for public utilities, or for instance, food or other goods. So we decide this amount and this amount will be taken into the global amount and in each annual amount. Free use means also that we will use this amount of money to buy equipment, material goods from the US, mainly from the US. So the Joint Economic Commission will discuss it, but the use of this money is on our side.

Dr. Kissinger: The way I think it would work in practice is to arrive at a figure, say for harbors; it has to be based on some studies—some ideas, but once the money is set aside you can determine how to spend it for these projects. The money will be spent by the DRV, and it will be your money to spend for those projects which the Commission has agreed upon.

Pham Van Dong: And we will be also free to use this money to buy equipment in what company in the US.

Dr. Kissinger: That is up to you. I hope not from Cora Weiss. [Laughter] No, no, it is up to you. We don't care.

Pham Van Dong: So it should be clearly said that we have the free use of this amount of money and this use of money is without conditions.

Dr. Kissinger: Within this general discussion that we have, that we put it by categories and projects and then you have the free use to spend the money and to decide the companies.

Pham Van Dong: And whatever we would like to buy.

Dr. Kissinger: Yes, but if it is a harbor you can't buy a tank for a harbor. It has to be for the project that we agreed on.

Pham Van Dong: To buy a tank and send it to An Loc.

Dr. Kissinger: You can't build a harbor in An Loc. It has to be on the sea. That is one condition. All harbors are built on the ocean.

Pham Van Dong: Following this idea, let me ask this now regarding the industrial field. We can buy equipment to build a power plant for instance, mechanical construction plants, mechanical production plants for instance chemical manure.

Dr. Kissinger: Fertilizer.

Pham Van Dong: Because these plants were destroyed.

Dr. Kissinger: No problem about any of this, except the Commission will want to establish some priorities. You can't build them all simultaneously, but that is natural. But all of these are items which should present no difficulty.

Pham Van Dong: So these would be without condition, and you should not say without political condition because it implies that there will be economic conditions.

Dr. Kissinger: I sometimes think the French educational system has left a strong theoretical residue here. The conditions are as we have described. We agree on projects; we agree on programs; and within those you are free to dispose of the funds. If we agree, if the Economic Commission agrees on a mechanical fertilizer plant, we don't agree on each plant but on a specific project. You can then dispose of that amount. This is as we discussed.

Pham Van Dong: But this program of reconstruction may be worked out by us and discussed in the Joint Economic Commission.

Dr. Kissinger: That is correct. We don't want a veto over your program.

Le Duc Tho: So this is what I understand. The amount agreed to by you and I, so this amount is divided into each year. It depends on—some year it is more, some other year it is less, and then the Joint Economic Commission will discuss it in accordance with our requirement for industry, for transportation and communication, for public utilities.

Dr. Kissinger: And if they agree, then to carry out the project according to your policy. The projects are operated and run by you.

Le Duc Tho: Then the material and equipment we will decide to buy in which company in your country. So that is how we understand the use of the amount we will have.

Dr. Kissinger: That is correct.

Le Duc Tho: So we have clearcut agreement on the amount and on the use of the money.

Dr. Kissinger: Let me make a realistic point. If you consistently bought from companies that would charge twice as much as any other, this would come to people's attention and they would wonder why you would do this. But having dealt with the Special Adviser and now

the Prime Minister, I do not believe that it will be easy for American companies to take advantage of you. But you make your contracts with the American companies; that is your business.

Le Duc Tho: So besides the amount you have mentioned in the note to send to our Prime Minister, there is \$1 billion to \$1.5 billion to be discussed within the Joint Economic Commission and granted in other forms.

Dr. Kissinger: Mostly food.

Pham Van Dong: All right.

Le Duc Tho: The first sum of money is reserved for reconstruction.

Dr. Kissinger: That is right. Now I think we have agreed now on these items. Now let me make a few points where you must help us. This can be carried out expeditiously. First, you should talk as little as possible about an American obligation, and you should never talk about "reparation." Our possibility for getting this money is enhanced if we do it as a voluntary act, as I explained to the Special Adviser on innumerable occasions. We understand each other.

Pham Van Dong: I have a view to express. We do not use the word "reparation" but now I use the word "obligation," and I stress on the obligation, moral obligation and honor. And we will speak about the fact much or little; it depends on the attitude of the US, and there are many ways of speaking it. There are very good ways, very fine and it will satisfy everyone, but there are also other ways of speaking of it.

Dr. Kissinger: We know those.

Pham Van Dong: [Laughs] So we should understand each other on that point.

Dr. Kissinger: Yes, but I am really talking from a practical point. When the Special Adviser comes to America I will introduce him to Senator [*Representative*]² Passman who heads a committee this money goes through, and he will find that moral obligation and honor are difficult words for him to understand.

We should not, when we are starting this program in April, talk about a total amount because it will start an endless debate. You and we know what the total amount is, and if we don't carry it out you will undoubtedly publish the note. You have to understand the hardest sum to get is the first year. Once that is done the principle is established and then it will be much easier.

Pham Van Dong: I understand.

Dr. Kissinger: But we stick by what we have said.

² Bracketed correction supplied by the editor.

Le Duc Tho: And if you stick to the understanding you had with us, we will stick to the understanding we have with you.

Dr. Kissinger: Even Cambodia? [Laughter]

Le Duc Tho: I have explained to you many times. I will promote it.

Dr. Kissinger: “Don doc” it.

Pham Van Dong: Another point you raise to me about the question of Japan. Have you any ideas about that?

Dr. Kissinger: The Japanese are always—you have many experiences with the Japanese. We have no objection to any dealings you have with the Japanese. You will find that their economic policy is more aggressive and more restrictive than ours. As I said, they are trying to buy Southeast Asia not having conquered it. [Tho laughs] I think now having some experience with North Vietnam, I think you can take care of your independence very well. [Tho laughs] So it is up to you.

Pham Van Dong: So on that score you can be confident in us. But as I said on the first day regarding the prospect of the whole area, we have some necessity in it and some interest in doing our utmost to have this. On the basis of independence, sovereignty, neutrality and peace.

Dr. Kissinger: We want no special position here, and we don’t object to whomever you want to deal with. I think that politically, having had this recent experience, we will want to remain in close contact so that there is no misunderstanding, but this is without prejudice to your relations with any other country. We have no objections to any other relations you may have. You have to be the judge of this.

Pham Van Dong: So it is clear now. But let me return to the economic question again. So the amount you grant us, we will reserve the greater part of it to buy good equipment in the US, but we would like to have a small amount of foreign currencies to buy goods from other countries.

Dr. Kissinger: That can almost certainly be arranged. That can be done. Let me ask a question, Mr. Prime Minister, and also make one other observation. First, we haven’t really settled on whether we should do this program on a multilateral or a bilateral basis.

Pham Van Dong: I think that mainly it would be bilateral.

Dr. Kissinger: It is all right. Then the Economic Commission can discuss if there are some projects that would be best on a multilateral basis.

Pham Van Dong: So the multilateral is in keeping with the ideas I have just discussed.

Dr. Kissinger: Yes, we have no problem. Now we will nominate our members to the Joint Commission within two weeks. Or let us say two weeks after I return, which should be by March 4th.

Pham Van Dong: We will do the same.

Dr. Kissinger: Now may I make another suggestion here. We have said on March 1st, let us say March 4th. Secondly it is possible that the people—this is a new program for our people and there may be ideas raised which will be difficult in the light of what we have discussed here. In that case, Mr. Prime Minister, you or the Special Adviser should get in touch with me through the channel in Paris. [The Premier laughs] Don't have a confrontation right away. Call my attention to it, and we will exchange views frankly and we will settle it in the spirit of our discussion here. But you remember this is a new thing for us, and our experts may not understand it completely. That is, I may not tell them everything. But it will be carried out in the spirit and in the substance of what we discussed. Now where should the Economic Commission meet?

Pham Van Dong: Have you any view on it?

Dr. Kissinger: We thought Geneva or Paris.

Pham Van Dong: Initially, on the first step, we will discuss it concretely later.

Dr. Kissinger: Initially where?

Pham Van Dong: In the next few days I will answer you, later.

Dr. Kissinger: That's fine. We don't have to know now—not Ulan Bator. It has to be convenient to both sides. Or in Pyongyang.

Pham Van Dong: Never mind. So we have settled one question this morning.

Dr. Kissinger: We settled only half of our question.

Le Duc Tho: It is a difficult question, but as I told you we will act in an active way in the direction of peace.

Dr. Kissinger: Yes, but not along the lines of what you said. That is impossible. It must be more concrete and realistic. [Tho laughs]

Pham Van Dong: Shall we adjourn now and resume at 5:00 to give you some time for a sightseeing tour?

Dr. Kissinger: That is fine. As long as it is this group that now has only my staff. The Special Adviser will explain that certain issues connected with the special channel we will not discuss this afternoon.

Le Duc Tho: I will meet you personally tomorrow morning. We will have some questions.

Dr. Kissinger: Right. It is just that there are some things we don't raise in front of everybody. We will work with your protocol people on the time of our departure tomorrow. We want to delay it for two hours for convenience, to 11:00. We will work it out with your protocol people.

Le Duc Tho: So if we finish our discussions this afternoon, then tomorrow morning you and I will talk.

Dr. Kissinger: And then we leave the Guest House at 11:00. That gives us two hours in the morning. Good. 5 o'clock.

[The meeting adjourned at 1:03 p.m.]

55. Memorandum of Conversation¹

Hanoi, February 12, 1973, 5:05–6:20 p.m.

PARTICIPANTS

Pham Van Dong, Premier
Nguyen Duy Trinh, Deputy Premier and Minister of Foreign Affairs
Le Duc Tho, Special Advisor to DRV Delegation to Paris Conference on Vietnam
Nguyen Co Thach, Vice Minister of Foreign Affairs
Phan Hien, Member of DRV Delegation to Paris Conference on Vietnam
Tran Quang Co, Member of DRV Delegation to Paris Conference on Vietnam
Dinh Nho Liem, Ministry of Foreign Affairs
Nguyen Dinh Phuong, Interpreter

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
William H. Sullivan, Assistant Secretary of State for East Asia and Pacific Affairs
Richard T. Kennedy, Senior NSC Staff
Winston Lord, NSC Staff
Peter W. Rodman, NSC Staff
David Engel, NSC Staff, Interpreter
Mrs. Bonnie D. Andrews, Notetaker

Mr. Kissinger: Are the saboteurs after us again? [Laughter]

Pham Van Dong: Mr. Special Advisor, this afternoon we shall continue to discuss the relationship between our two countries. We have studied your paper just lately. [US paper on Normalization of US–DRV Relations, Tab A.] Mr. Special Advisor, have you anything to add about this?

Mr. Kissinger: Mr. Prime Minister, we have summed up our views very concretely on this subject in the paper. I do want to say that it is our fixed policy to move as rapidly as we can towards normalization of relations with the DRV. We have indicated to you the steps which we believe it is appropriate to take. And, of course, we have discussed

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 113, Country Files, Far East, Vietnam Negotiations, Hanoi Memcons, February 10–13, 1973. Top Secret; Sensitive; Exclusively Eyes Only. The meeting was held at the DRV President's House. All brackets are in the original. The tabs are attached but not printed.

other steps, such as the visit of the Special Advisor to the United States, which we have not specified in the paper.

Pham Van Dong: I agree to the direction designed by you, and we should maintain the present channels of communications. And it might be that we should have new relations, such as the Joint Economic Commission. This is a body which may have great importance because of its activities. And there should be economic relations between the two countries. There might be some relationship in traveling. And at the same time the Four-Party Joint Commission will no doubt become more consolidated and have better conditions for its activities.

Mr. Kissinger: But of course that will end in April.

Pham Van Dong: Right. But the other channels will be maintained.

Mr. Kissinger: They will be maintained.

Pham Van Dong: Therefore in your paper you gave us yesterday there was one proposition that in our minds is not necessary—that is the establishment of a liaison office—that is, because we have the present means of communicating and as soon as possible we will normalize our relations. I think that this way of doing things would be more normal.

Mr. Kissinger: That is entirely up to you. So we in any event propose that the missions in Paris that are attached to Avenue Kleber be abolished. We will in any event abolish our mission after the International Conference.

Pham Van Dong: It is all right.

Mr. Kissinger: But we will maintain the channels with which we are familiar. And we will establish the Economic Commission. Have you had a chance to consider where you think the Economic Commission should be located?

Pham Van Dong: We have not yet actually considered this question. I will answer you in a few days time.

Mr. Kissinger: Maybe Geneva, as I said this morning, would be the appropriate place.

Pham Van Dong: Geneva or Paris.

Mr. Kissinger: That means the French Foreign Minister will advise us both. [Laughter] We would never have settled the war without him. It is a possibility. But there will have to be visits of some specialists here and probably of some of your specialists in America.

Pham Van Dong: Quite right. It is a matter of course.

Mr. Kissinger: So, except for the establishment of the liaison office, is the rest of the paper in conformity with your general understanding? [They nod]

Pham Van Dong: Regarding this paper there is only the third paragraph. I read it: "For the time being, as has been agreed between

the two Special Advisors, the U.S. and the DRV delegations to the Paris Conference on Vietnam shall remain in place in Paris and shall remain in contact with each other." I think that this third paragraph should be maintained.

Mr. Kissinger: Should be maintained? Are you saying this is the only paragraph in the whole document that can be maintained?

Pham Van Dong: I point out this paragraph because Dr. Kissinger said that after the Conference the mission should be dissolved, but now the paragraph said they should stay 60 days. This is all right.

Mr. Kissinger: All right. 60 days. I just wanted to expedite Minister Xuan Thuy's return to his native place. [Laughter] Some North Vietnamese has to return to his native place as a result of this Agreement.

Pham Van Dong: Then after the third paragraph the two following paragraphs deal with the liaison officer.

Mr. Kissinger: I understand you are against that.

Pham Van Dong: In our view it is not necessary to have such an officer because we have other channels of communication. Then new relations will be established in view of the activities of the new Joint Economic Committee. If we say anything here it should be matters of principle. It should need further discussion later in detail. Then the following paragraph deals with the normalization of the relationship. We have been talking about this in principle already. In a word, these are the few remarks we have on this paper. We will redraft it again and talk later.

Mr. Kissinger: All right. Now, can we say a few words about the communiqué?

Pham Van Dong: We shall shift to the communiqué. If Minister Tho and Ambassador Sullivan have settled the question of International Conference; we can discuss that.

Mr. Kissinger: But they have not settled it, and we have to have a discussion of at least one aspect of the Conference. And this concerns the role of the Secretary General. It was one of the Special Advisor's special contributions to the Agreement, [laughter] which we accepted as an expression of our good will and serious intent. [Laughter] And now, Mr. Prime Minister, that we have jointly achieved the participation of the UN Secretary General, we must come to some decision as to what to do with him. And that should be reflected in our invitation.

Pham Van Dong: On our part, we would like to make clear the following points. Probably you have known our point of view and our attitude regarding the United Nations and the Secretary General of the United Nations.

Mr. Kissinger: Not about the Secretary General. [Laughter]

Pham Van Dong: Therefore, I have not to speak lengthily about that question. But since the signing of this Agreement between we both

and the four parties, and in view of the other matters of concern, we think there should be the presence of the Secretary General at the International Conference.

Mr. Kissinger: To do what?

Pham Van Dong: In our view, as an observer. In our mind it is a positive thing. As the role of an observer, everyone knows what an observer does. It is a very major job he would have, [laughter] and I think that Mr. Secretary General will be pleased with this role. I would be pleased in whatever role I would have to do as an observer. [Laughter]

Mr. Kissinger: Mr. Lord is a student of the U.N. and his mother used to work there. He shudders when you speak, Mr. Prime Minister.

Pham Van Dong: Mr. Secretary General of the U.N. had the intention to call on us too, and if we have an opportunity to meet him I will tell him that.

Mr. Kissinger: Mr. Prime Minister, as you know, we did not propose the participation of the U.N. Secretary General. It was the contribution of the DRV to the membership of the Conference.

Pham Van Dong: You are right.

Mr. Kissinger: And among the less precise minds among my colleagues it was interpreted as a sign of a new realization of the importance of the United Nations on the part of the leadership in Hanoi. They were very moved. [Laughter]

Pham Van Dong: Dr. Kissinger has rightly said this. And I have added a few words as I have just done. I apologize to Dr. Kissinger. We should not be more royalist than the king.

Mr. Kissinger: The difficulty that we now confront is—nor was the proposal made that he be an observer, something for which he might have been very grateful three months ago—he is enshrined in the document as a formal participant. So now the question is that we as a founding member of the U.N. cannot take the position that having been invited he can only participate as an observer.

So now in fact there are only two practical solutions. In fact, I think there is only one practical solution. Theoretically the Secretary General could be a participant in the Conference like everyone else—which would prolong it as much as two days, since he likes to make speeches almost as much as the Foreign Minister of France. The other possibility is the one which Ambassador Sullivan mentioned to the Vice Foreign Minister this morning. It is that you and we are co-chairmen of the Conference and that the Secretary General is the principal executive officer of the Conference. This would in practice make him an observer, because he could act only with the approval of the two co-chairmen, and as moderator of the discussions he could not participate in them.

And we think this is the practical way to achieve the result which the Prime Minister proposes.

Pham Van Dong: [Laughs] I think we should further think about this question and we should discuss this with other participants of the Conference.

Mr. Kissinger: But it will affect the text of our invitation.

Pham Van Dong: Of course, of course. If I understand Dr. Kissinger's views, the main thing here is that of the role of observer.

Mr. Kissinger: The practical role would be that of observer. His official title will be something like principal executive officer of the Conference. And under the direction of the two co-chairmen he would moderate the meetings, he would see to the distribution of the papers, but he couldn't intervene in the discussions. It would be commensurate with the dignity of the office but it also meets the concerns of the Prime Minister.

Pham Van Dong: I would like to respond clearly our point of view. At the negotiations in Paris we came to an agreement to convene the International Conference. We think the task of the International Conference is as provided for in the Agreement. We have also discussed the composition, the participants of this Conference, and any participant to this Conference in our view has the same basis for participation. Generally speaking the participants are countries concerned with the problem, concerned particularly with the ending of the war and restoring peace in Vietnam. I think that for all these countries to participate in the Conference would be all right. But at that moment we also thought of the U.N., for the reason that we also had in mind the relation that the U.N. may have in this question, and the relation we had in mind is that the Secretary General of the U.N. would play the role of observer. Just his presence at the conference. This is one point. The second point is . . . I am not yet very clear about Dr. Kissinger's view, but if I understand him correctly, the role of the Secretary General of the U.N. is the role of the General Secretary of the Conference, and after the International Conference he will play some role afterward too. If so, we would think this role will not be necessary. And in this connection we have consulted with a number of countries who will participate in the International Conference.

Mr. Kissinger: The Special Advisor equally enjoys making an agreement and then destroying it before it is implemented.

Le Duc Tho: I have created now one thing that has become complicated for many parties.

Mr. Kissinger: If I may say so, Mr. Special Advisor, if you had never mentioned it we would all have been much happier today. I was so eager to please you and you were so insistent. [Laughter]

Now let us be realistic here. First, the Agreement lists the Secretary General as a participant, not an observer, in the Conference. This is the assumption under which everyone has operated. [Tho gets up to leave the room briefly.] It is not fair that the Special Advisor should leave his own creation.

Pham Van Dong: But I think this is not a major question.

Mr. Kissinger: But I wanted to say something. Secondly, the Secretary General would be General Secretary of the Conference under the direction of the two co-chairmen. So he would not have an independent role. As to what role he should play after the Conference, that will be decided at the Conference. And I have the impression that in the absence of the Special Advisor your delegation will not fight for a continuing role. [Laughter]

Pham Van Dong: Actually we had thought of the Secretary General of the U.N., and I think it is very appropriate for the General Secretary of the U.N. to participate in the International Conference as an observer, for the following reason: It is an international conference, an international conference between the parties concerned in the ending of the war and the restoration of the peace. So in this case the General Secretary will participate in the Conference to witness the work of the Conference between the parties but not participate in the work of the conference.

Mr. Kissinger: Mr. Prime Minister, there are many theoretical reasons for the General Secretary's participating in the conference. I even believe that history would have continued without turmoil if he had not been invited. But he was listed as a participant. Once having been invited he cannot be just an observer. As a founder of the U.N. we cannot say that he can only be an observer. There must be some dignified way he can be a participant. And secondly, if this isn't settled we cannot agree on the joint chairmanship and we must find some other way of chairing the Conference. There must be some way of resolving this.

Pham Van Dong: The question of finding another system of chairing the Conference, it is another question and we will think about it. We have no special requirements.

Mr. Kissinger: Well, if you want the Secretary General to act as observer, it is up to you. We do not accept that proposition. We frankly would not have proposed it but we cannot be a party to humiliating him.

Pham Van Dong: I don't see anything that would humiliate the Secretary General. And I disagree with the view particularly that this view comes from our part.

Mr. Kissinger: Well Mr. Prime Minister, had we ever had this pregnant thought we might have proposed a group and then on the

first day of the Conference invited the Secretary General as an observer, and there would have never been a difficulty whatsoever.

Pham Van Dong: Our intention to invite the Secretary General of the U.N. to participate as an observer was in view of the position I have expounded to you. And I think this is a position dignified enough for the Secretary General and it does no harm to the value of the Secretary General or the United Nations.

Mr. Kissinger: Well, we disagree.

Pham Van Dong: So then we should further think about this question and discuss it.

Mr. Kissinger: So what do we do about the invitation? In that case we cannot send out the invitations, because we cannot send him an invitation to participate as an observer. It would be contrary to the Agreement.

Pham Van Dong: So I think that that invitation should be sent as provided for in the Agreement, just like the invitation that is sent to the other participants. As to the role the Secretary General shall play in the conference, we still have time to discuss it. As I told you, on this question we have consulted with a number of friendly countries. We cannot change our position at will. We have to respect their views.

[Le Duc Tho returns to the meeting.]

Mr. Kissinger: I agree we must send the invitation. What do we do when he arrives? Will someone make the motion that the Secretary General is only an observer?

Pham Van Dong: On that subject we should have time for further discussion.

Mr. Kissinger: Then I propose that Mr. Thach and Ambassador Sullivan work out an invitation that will not mention any participants or the chairman or any particular role for the Secretary General; that we merely send out the invitations and consider it further. But I would point out that it would be rather unfortunate if we began the International Conference, which is supposed to promote reconciliation between us, with a brawl between us. So we should exchange ideas fairly rapidly. And if you have no objections, I will also discuss it with your friends when I visit with them later this week. In the spirit of reconciliation and concord.

Pham Van Dong: International reconciliation.

Mr. Kissinger: So we get those two gentlemen together. But before we let them go we have one other matter to discuss. You picked up a piece of paper.

Pham Van Dong: Just to take notes of what you said.

Mr. Kissinger: We have two communiqués. We have submitted a draft to you [Tab B] and you have just submitted a draft to us [Tab

C]. I have now enough experience with negotiators from North Vietnam to know that if I accepted your draft you would probably dismiss Minister Thach believing there was something wrong with him. But I would like to say I don't think it fully meets the necessities of the situation, and I thought we should have some exchanges of views so that the Ambassador and the Minister can redraft it on the basis of more specific instructions.

Now first, let me explain what we attempted to do in our communiqué.

Some of the material is the same. But what we attempted to indicate is the positive direction and the fact that this could indicate a new departure. And therefore we concluded our draft communiqué with some common principles that should guide our relationship. And in fact we wanted to pick up, with some modifications, the five principles which the Prime Minister developed on our first day here, because we believe they are a good basis for a relationship. We do not insist that every specific principle mentioned be put exactly in this form. But we think there must be some concrete conclusion.

Now, as to the specific points. We mentioned the problems of Indochina somewhat more prominently than you did—which was not hard to do since you do not want to mention them at all! On the other hand, you mention the detailed allegation of violations, which we cannot put into a communiqué at all. We promised you we would investigate. But we cannot agree to a joint statement with you affirming it. So I believe that the specific allegations should be omitted, though I agree a reference to strict implementation of the Agreement is a necessity.

The first sentence of the first full paragraph does not reflect reality because we never discussed this problem in any detail. The rest of the paragraph is all right but too thin.

The next paragraph, about economic reconstruction: It is very unwise to say, "they have agreed to the main content" because this will immediately get us into a Congressional brawl, and as I said this morning, this is premature. But we can have a very positive formulation for this paragraph. It is our intention to have a very positive formulation.

This is all we have to say on your draft. This is our only comment on your draft. And if you agree with this approach, then perhaps Minister Thach and Ambassador Sullivan can work out mutual language that is a little more elevated than you have proposed.

On the principles, I am substantially in agreement with the views which the Prime Minister expressed the other day. And we can change these to conform to those of the Prime Minister. I am prepared to have Ambassador Sullivan and Minister Thach work out language.

Pham Van Dong: We are prepared to leave the subject to Ambassador Sullivan and Minister Thach to discuss it.

Mr. Kissinger: Ambassador Sullivan says he knows when he is not wanted in the room. So he is going to leave.

Pham Van Dong: So he has to shoulder a very difficult job. Mr. Special Advisor, I now propose a little break, and afterwards we will see if there are other necessary things; after that we will do it.

Mr. Kissinger: All right.

[The main meeting recessed at 6:20 and did not resume. Sullivan, Rodman, Thach, Hien, and Co departed to a smaller meeting room and discussed the invitation to the Conference and the communiqué until 8:00 p.m.]

56. Memorandum of Conversation¹

Hanoi, February 13, 1973, 8:55–10:55 a.m.

PARTICIPANTS

Le Duc Tho, Special Adviser to DRV Delegation to the Paris Conference on Vietnam

Nguyen Dinh Phuong, Interpreter

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
Winston Lord, NSC Staff

David Engel, NSC Staff

[Le Duc Tho presented Dr. Kissinger with some pictures of the visit. Dr. Kissinger said that he would send him some of the American pictures.]

Dr. Kissinger: Shall we cover a few points that I have? (Le Duc Tho nods yes.) First a technical point. You have to tell us after your negotiating group is abolished in Paris with whom we should communicate and we will tell you who will deliver our messages. For the time being it will be the same person.

Le Duc Tho: Let me answer you immediately.

Dr. Kissinger: Yes.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 113, Country Files, Far East, Vietnam Negotiations, Hanoi Memcons, February 10–13, 1973. Top Secret; Sensitive; Exclusively Eyes Only. The meeting was held in the Government Guest House. All brackets are in the original.

Le Duc Tho: After the dissolution of our Delegation in Paris if there is anything, Colonel Guay will call to the Delegate-General. He will meet the Delegate-General whether there is a verbal or written message. And the Delegate-General will convey it to me. That is the habitual channel.

Dr. Kissinger: Is that the habitual channel?

Mr. Lord: Yes. Mr. Vo Van Sung.

Dr. Kissinger: Good. We will continue that.

Le Duc Tho: If we meet each other, where should it be?

Dr. Kissinger: We can make a proposal. Of course, Paris is convenient for me, but it doesn't have to be Paris. We can decide that from case to case.

Le Duc Tho: All right. But it is too long to Paris for me. It takes four days.

Dr. Kissinger: We can meet in Hawaii or Tokyo.

Le Duc Tho: Yes. We will consider it. In any case it should be a shorter distance for me. We will decide that.

Dr. Kissinger: We will decide on a case to case basis. Either side can propose a meeting when matters are very urgent. Otherwise we will meet when you come to the United States in the summer. Will you come through Europe?

Le Duc Tho: For the time being I don't know. You see foreign planes only have . . .

Dr. Kissinger: You don't have to have a plane in America. We can take care of your travelling inside of America, or you may bring one to America.

Le Duc Tho: But I don't know the itinerary. From Vietnam to America, what is the shortest route?

Dr. Kissinger: Actually it is the same distance if you go through Europe to the East Coast or through Alaska. I think it is shorter to go to Alaska and then to Washington.

Le Duc Tho: But before reaching Alaska where do I go?

Dr. Kissinger: China. Probably you go from China directly to Alaska. It is a six hour flight.

Le Duc Tho: And from Alaska to Washington, how many hours more is that?

Dr. Kissinger: We are talking about jets. It's about eight hours. We can take care of you once you are in America. You can take your plane if you want to.

Le Duc Tho: That is covered.

Dr. Kissinger: We will take care of it. Or you can go to Hawaii, and we will take care of you from there. It's about eight hours from here. From Hawaii it's about eleven hours to Washington, ten or eleven.

Le Duc Tho: So we go straight from Washington to Hawaii.

Dr. Kissinger: Yes. In about ten or eleven hours.

Le Duc Tho: There is no stopover?

Dr. Kissinger: We can fly you directly. But you may stop if you want to on the West Coast.

Le Duc Tho: To go from Hanoi to Hawaii do we go to China first or directly from Hanoi to Hawaii?

Dr. Kissinger: You can go from Hanoi to Hawaii. You don't have to go to China. You can go from Hanoi to Guam to Hawaii. We can arrange transportation. We can probably arrange it even from Guam which is about five hours.

Le Duc Tho: I think in the future we should establish some airlines. We will think of it now for convenience on our mutual visits.

Dr. Kissinger: Another thing if you go on commercial airlines you go from Vientiane and Bangkok or Hongkong. We can make it very easy. The technical matters are very easy. You will be very comfortable. You tell us any specific request that you have.

Let me just take a minute again about Laos. First, we are counting that there will be a ceasefire on the 15th.

Shall we have Ambassador Sullivan sit in on some of this or would you rather talk alone?

Le Duc Tho: I will talk to you about these points.

Dr. Kissinger: Then on your proposal there will be a political settlement within thirty days and a total withdrawal no later than ninety days. We want to consult our friends. The proposition is that the withdrawal should start from the ceasefire, in some time period after the ceasefire is what our understanding said.

Le Duc Tho: Yesterday we exchanged views with our allies. We will have a political settlement within thirty days. The troop withdrawal will be completed within a period of thirty days to ninety days. I think it will not take as much as thirty days for the completion of the political settlement. We will endeavor to complete it before that date.

Dr. Kissinger: It is a matter of very great import for us.

Le Duc Tho: I understand. But the political settlement we understand should come in the overall agreement in which there is a provision regarding troop withdrawal. But you should persuade your ally, and we will persuade our allies that they come to an agreement before thirty days. Yesterday I reviewed the problem, and I think that in principle they have agreed on many important questions.

Dr. Kissinger: Souvanna insists, and we agree with him, that there cannot be a new neutral faction now. He is head of the neutralists.

Le Duc Tho: So you express your views. I think we should leave it to the two Laotian parties to discuss, and you will encourage and persuade them. Let them discuss.

Dr. Kissinger: They should discuss, but you should understand our view.

Le Duc Tho: I understand through these discussions.

Dr. Kissinger: Above all let them settle. We don't want them to discuss it for four years.

Now Cambodia. (Le Duc Tho laughs). We can't accept it that we must settle this with Sihanouk. Let Cambodian problems be negotiated among them. We will encourage our friends. And again, if the war continues in Cambodia, and if your forces stay in Cambodia, this will make normalization very difficult. I have expressed my views but I have again been told by the President to make sure to stress it. And I understand what you were saying at the breakfast table that sometimes things are not very concrete but can still happen.

Le Duc Tho: I was speaking generally, but not specifically about Cambodia.

Dr. Kissinger: I was certain you were talking about Cambodia.

Le Duc Tho: You always have Cambodia on the mind.

Dr. Kissinger: I have shifted. I used to have the Ho Chi Minh Trail on my mind.

Le Duc Tho: Now the Ho Chi Minh Trail is settled. There is a ceasefire in Laos now.

Dr. Kissinger: It is important to try not to take advantage of each other because it will lead to serious consequences. You remember I told you in Paris for many years not to press us too hard and this is the same here. (Le Duc Tho laughs)

Le Duc Tho: I wonder whether you want to put pressure on me or I on you.

Dr. Kissinger: I mean in military things.

Le Duc Tho: But you use the term, military pressures, on me.

Dr. Kissinger: After you started it. If you do not start an offensive we will not use military pressures. We had no intention of doing anything in 1972.

Le Duc Tho: We always oppose your military pressures.

Dr. Kissinger: In 1972 when you started your military offensive we were not making military pressures. After you started the offensive we made a great deal of pressure.

Le Duc Tho: Now if we review past events then it will take a long time.

Dr. Kissinger: I agree. It is important you understand us. When speaking privately it is right to say, as I said to the Prime Minister,

that you have two choices. You can use the Agreement as conciliation or you can use it to continue pressures against us. If you use it to continue pressures, then soon we would be in confrontation. If you use the Agreement to improve our relations we will work at it very intensively and with great conviction.

Le Duc Tho: The other day we told you, and it conformed exactly to your view in words, that we had to implement the Agreement strictly.

Dr. Kissinger: In spirit, also.

Le Duc Tho: Yes. And through action.

Dr. Kissinger: Exactly.

Le Duc Tho: The action is more important. When there is violation of the Agreement then we will use the Agreement as means to counter violations of the Agreement with the view to maintaining strictly the Agreement. And we are resolute in doing that.

But as for the Cambodian problem, we told you that if the Cambodian problem were like the Lao problem we would have settled it.

Dr. Kissinger: Yes, but you must make a major effort and you must do something about your troops there. How can we go to Congress when you have troops everywhere and say yet we must normalize relations with you?

Le Duc Tho: The point is now how to come to negotiations in Cambodia. Then everything will be settled. The difficulty does not lie on our part but elsewhere. This is the context.

Dr. Kissinger: I have the impression that if you tell your troops to leave that they will obey your orders. Your troops are very well disciplined.

Le Duc Tho: But there are complex relationships with allies. We can't suddenly leave there. Objectively you understand that. Our interest is to push forward negotiations. Frankly speaking, privately we discussed how to persuade our allies to enter into negotiations when Sihanouk was here. We spoke a great deal to him.

Dr. Kissinger: I believe he spoke a great deal to you, too.

Le Duc Tho: You should see the situation. Look at it in a general way. We settled the Vietnam problem with you. We discussed with our allies in Laos to settle the Laos problem. We have a big broad program of economic reconstruction. There is no reason to keep our troops in Cambodia.

Dr. Kissinger: I think you understand our concerns. We expressed them.

Le Duc Tho: Yes.

Dr. Kissinger: I think you will find the means. We will make an effort on our side with our friends.

Le Duc Tho: I have told you on many occasions. We now settled the Vietnam problem. We have settled the Laos problem. It is in our interest to have some negotiations about Cambodia. We have no interest in continuing the war because if we did so we would not have settled the Vietnam problem and the Laos problem.

Dr. Kissinger: There is a problem about your forces in Cambodia. The problem will become serious in April and May when we go to the Congress with our program.

Le Duc Tho: I understand your concern, but you should also understand our objective difficulty because we ended the war in Vietnam and Laos. Why would we want to continue the war in Cambodia? There is no point.

Dr. Kissinger: Well, what we can't accept is that you use your troops to bring about a political solution in your favor.

Le Duc Tho: No, that's not true. It depends completely on our allies. I understand your concern, and I have explained to you our difficulty.

Dr. Kissinger: Yes, but you will consider my points again very seriously.

Le Duc Tho: If now I accept your proposal to study the points, then when we meet again you will ask me what study you have made of the points. It is difficult for me to answer you. You should understand that. I think the difficulty lies with the political questions and not the military question.

Dr. Kissinger: Certainly I'll ask the results of your study. As long as you have troops there you are violating Article 20b of the Agreement.

Le Duc Tho: When there is negotiations in Cambodia and a settlement there, then we will withdraw our troops immediately. But there are no prospects of a settlement at all.

Dr. Kissinger: But that means there are no prospects of your withdrawing your troops, which is a direct violation of Article 20b.

Le Duc Tho: I have explained to you lengthily yesterday. My interest in calling on you was to talk with you and remind you of some questions. You raise these questions again. And there is a long discussion about it. As I told you this question is very complex, difficult.

Dr. Kissinger: But you should have no illusions that we will ever accept your position on this.

Le Duc Tho: It is your right.

Dr. Kissinger: And it will have serious effects on our relations if the war there continues, and if your troops remain.

Le Duc Tho: I understand you. And I do not want anything else than to implement the Agreement strictly so that our relationship remains good. But this question is very complicated and difficult.

Dr. Kissinger: I think we have explained each other's point of view.

Le Duc Tho: I understand.

Dr. Kissinger: U.S. prisoners. We would appreciate it if you would give us some information about those people whose case histories we gave you.

Le Duc Tho: We will strive to have full information.

Dr. Kissinger: On those which we gave you pictures.

Le Duc Tho: But I tell you that in this connection you should have full confidence in me. This is a political question and also a humanitarian question. This is how we Vietnamese are. At the very beginning of our negotiations I told you that we would agree with our allies that whatever prisoners they hold they will release. Please think, what reason is there to keep behind 15 American prisoners? What reason do we have? What reason to do harm to our relationship? And we have to feed them.

Dr. Kissinger: If you could give us whatever information you have about those cases I brought with me—we know they were captured at one point. (Le Duc Tho gets a message and reads it.)

Le Duc Tho: We will do our utmost to get any information available and let you know.

Dr. Kissinger: If you can give us any other information on MIA's, and if you can do it rapidly, it will make a very good impression in America.

Le Duc Tho: We will do everything possible. But regarding the rapidity, you should understand the conditions of our country. There are jungles and forests and mountains. Sometimes it is very difficult to find out information. You understand that during the war that sometimes it takes a whole year to find out.

Dr. Kissinger: As rapidly as possible would make a very good impression.

Le Duc Tho: I will promote this, "don duc".

Dr. Kissinger: I am not speaking officially—I have been asked by Japanese newsmen that some Japanese newsmen may be held prisoners. It is not my official responsibility. Do you have any information?

Le Duc Tho: Where were they captured?

Dr. Kissinger: I think in Cambodia.

Mr. Lord: Yes, in Cambodia.

Le Duc Tho: I will try to find out.

Dr. Kissinger: And you will let me know.

Le Duc Tho: Japanese journalists. We will get whatever information we can get.

Dr. Kissinger: I would appreciate it.

Le Duc Tho: In Cambodia.

Dr. Kissinger: In Cambodia.

Le Duc Tho: Myself, I don't know whether there are Japanese journalists captured or not.

Dr. Kissinger: On implementing the Agreement, my understanding is that on February 14th, that is tomorrow, they will issue instructions for the observation of the ceasefire at the Joint Military Commission. They will propose discussion of it and then instructions will be issued to observe the ceasefire.

Le Duc Tho: I agree. I was going to tell you about this. We should put an end to all these things.

Dr. Kissinger: Yes, I agree. We issued instructions to our members. We will also agree on legal points of entry for the two parties.

Le Duc Tho: Yes. Regarding violations of the agreement, Premier Pham Van Dong and myself have explained to you lengthily. Now in South Vietnam if peace is to be maintained, it depends on South Vietnam. If lasting peace is to be preserved, it depends on the South Vietnamese. Strict implementation of the Agreement is essential. Because there are violations of the Agreement by the troops now of the Saigon Authorities. They are repressing people and preventing them from leaving concentration camps and preventing them from moving freely. And the democratic liberties we mentioned in the Agreement, they don't ensure them at all. If so, there will be clashes between the two parties. Once there are clashes happening, clashes have a law and then gradually develop. It will be difficult to maintain the peace then because the two military forces are still in front of each other and also the working methods should be changed, the working means, the accommodations.

Dr. Kissinger: We will look into this and do our utmost to improve it. We will look into all of your complaints. We cannot accept 175 trucks entering South Vietnam and you simply assert that these are for civilian goods. They must come through legal points of entry under the international supervision as the Agreement provides.

Le Duc Tho: I explained to you that in the liberated regions of the PRG they need supplies and therefore we need to send these. Let them decide points of entry and then go through there.

Dr. Kissinger: Then, we are very concerned about 300 tanks. You can't send these legally into any of these countries.

Le Duc Tho: Premier Pham Van Dong has responded to you about these tanks.

Dr. Kissinger: What do you think he said? I am not sure I understood his answer.

Le Duc Tho: You didn't listen to him.

Dr. Kissinger: Can you repeat it so I can review it?

Le Duc Tho: Premier Pham Van Dong said that what proof do you have and to what end?

Dr. Kissinger: We have proof.

Le Duc Tho: I told you that you might see tanks, but they were on the spot beforehand.

Dr. Kissinger: Why do they keep moving south?

Le Duc Tho: I am frankly speaking.

Dr. Kissinger: If it continues, it will make Article 7 implementation impossible. Then we have to give tanks to the other side to equalize what you do, and we are right back to where we started.

Le Duc Tho: You are always raising these points, but there are so many violations in South Vietnam—repression, and shelling of people, and democratic liberties not being assured in South Vietnam. As far as we are concerned, we respect the Agreement. We have never introduced new tanks into South Vietnam.

Dr. Kissinger: We will also observe Article 7 strictly.

Le Duc Tho: We will do so.

Dr. Kissinger: A word about Thailand. Will you withdraw your troops to their native place?

Le Duc Tho: Where?

Dr. Kissinger: From Thailand.

Le Duc Tho: How can we? Only American troops are there. We should have asked you to return American GIs to their native place.

Dr. Kissinger: They are very concerned about your training of guerrilla movements in the northeast.

Le Duc Tho: No, there is none. These are Thai. We have nothing to do with that. Moreover, in Thailand there are a number of Vietnamese residents and some participate in it.

Dr. Kissinger: We want to send them back to their native place.

Le Duc Tho: We will negotiate. We've had negotiations about repatriation.

Dr. Kissinger: You will settle this directly—repatriation?

Le Duc Tho: There have been negotiations.

Dr. Kissinger: I know they are prepared to continue them.

Le Duc Tho: When they raise the problem, we will consider it. We should have demanded the withdrawal of American GIs from Thailand. Now you ask me for the withdrawal of Vietnamese residents there. Once there is peace restored, you should reduce your troops there.

Dr. Kissinger: I don't want to take the Special Adviser's time on economic reconstruction. We have a paper for you to consider on how the U.S./DRV Economic Committee could work (he hands it over).

Le Duc Tho: So this is after our discussion yesterday.

Dr. Kissinger: Please give us your view. It's the mechanical operations of the committee.

Le Duc Tho: We will answer you.

Dr. Kissinger: I think it will conform to yesterday's discussion. I want to summarize. By March 4 we will nominate our members, and we should agree on a joint announcement to implement the Commission around March 4. We think maybe there should be three members from each side.

Le Duc Tho: We will answer you. That seems too little. Four or five.

Dr. Kissinger: That is up to you. We are willing to have four or five.

Le Duc Tho: Four or five.

Dr. Kissinger: Fine. There's no problem on our side.

Le Duc Tho: Because there may be a man for each specialty or each aspect.

Dr. Kissinger: That is no problem. You can, of course, invite experts to join. We will approach the Committee with attentiveness. Frankly speaking, on our side it is easier to control three members than five. (Le Duc Tho laughs.)

We can always bring in the experts. Our attitude will be to make the Commission a rapid success. We will approach it very positively.

Le Duc Tho: So that is our desire, too. I think it's good. Our direction is clear.

Dr. Kissinger: As we discussed with the Prime Minister yesterday, on the use and definition of funds, I think we can do a very effective program.

Le Duc Tho: Are you finished, Mr. Kissinger: You have too many questions.

Dr. Kissinger: I have just a very few things. (Le Duc Tho laughs.) You told me you had nothing.

Le Duc Tho: I have something. Nothing to be settled.

Dr. Kissinger: On the International Conference, I would just like to say that we should settle as much as possible beforehand. It is not good if we have a confrontation there.

Le Duc Tho: I agree.

Dr. Kissinger: Your Prime Minister will understand that our Secretary of State may not know every detail of every discussion, so if he says something inconsistent with our discussion, check with me. We must keep a cool head.

Le Duc Tho: So we have agreed on a date for the International Conference, and the level of participation, and the site.

Dr. Kissinger: We have also agreed on the invitation.

Le Duc Tho: We have agreed on the invitation?

Dr. Kissinger: Yes. We have not agreed on the Chairmanship.

Le Duc Tho: Or the content.

Dr. Kissinger: You owe us an answer. We have given you a proposal. You have to give us an answer. You owe us an answer on the Secretary General and the Chairmanship.

Le Duc Tho: There are two questions—the content and the Chairmanship of the Conference.

Dr. Kissinger: And the position of the Secretary General. I'm just reviewing this. You can't settle it now.

Le Duc Tho: The problem of the Secretary General is the same as the problem of the Chairmanship.

Dr. Kissinger: Not exactly. If you make him Chairman, that will take care of it.

Le Duc Tho: But I should tell you that we consulted our allies, the Soviet Union and China. In their mind the content of the Conference is simple, too. We will further discuss about the role of the Secretary General with our allies. No one agrees that he should be the Chairman of the Conference.

Dr. Kissinger: The problem is that when you say the result should be simple, we have to define what we mean by simplicity. We have given you our proposal, and if you will let us have yours.

Le Duc Tho: We have to solve three questions in two or three days time, because February 26 is close.

Dr. Kissinger: That is correct. You can contact me through the regular channel, and they will connect with me in Peking. Or if you want your Ambassador in Peking to bring me something . . .

Le Duc Tho: Both ways are possible.

Dr. Kissinger: We will leave it to you. Make sure if the Ambassador in Peking delivers something, it's in English, because we won't have Mr. Engel with me. Otherwise, deliver it to Paris, and it will come to me.

Le Duc Tho: When will you leave Peking?

Dr. Kissinger: On Monday, the 19th, and I will go straight back to Washington. I'll be back in Washington on the 20th. The Communiqué we've agreed will be at 10:00 tomorrow night.

Le Duc Tho: I agree.

Dr. Kissinger: At 11:00 a.m. in the morning Washington time, we will announce that 20 POWs are being released.

I also wanted to say something to you about our general policy as we normalize relations.

Le Duc Tho: You will announce the release of POWs, and we will acknowledge it.

Dr. Kissinger: But tonight. We will do it at 11:00 this morning.

Le Duc Tho: And you will send a message to the Four Party Joint Commission.

Dr. Kissinger: Yes, and you will too.

Le Duc Tho: To discuss the release of the 20 prisoners.

Dr. Kissinger: I agree.

I wanted to say one general thing to you about our attitude. We will make a very serious effort to normalize relations. We will do this very honestly and very openly. We will not do things behind your back with other countries. If we engage in acts we think affect you, we will keep you informed so that confidence can develop, and if we practice this for some time, we will soon be on an entirely new basis.

Le Duc Tho: I would like to remind you of one thing. We must be resolute and seriously implement the Agreement. For our part, we will definitely do that, and you should also do that, and also tell South Vietnam to do that as well. Whatever, the Agreement should be seriously implemented. That is the basis for mutual confidence. It is the highest, most important basis for our direction, as I told you and the Prime Minister has explained. We must look at the whole process of negotiations.

Dr. Kissinger: We will do our utmost to implement the Agreement. We have already used our influence in a number of directions, as you already know.

Le Duc Tho: I have a few questions; not so many as you have. The first question is about the removal of mines. The removal of mines at Haiphong, if it lasts 70 days, it's too long. The mobilization of means take 30 days and the operations take 40 days. That will be too long. And in the other places, it will take 6 months. And you will finish one place before shifting to another place. You have a lot of means; please mobilize them. You have sufficient means so that all operations can be completed in three months, and in Haiphong in 1 month. It is a problem of means and operations. And in other places, that should be completed within 2 to 3 months. Particularly in the rivers. It is your responsibility. That mainly lies with you. You should cooperate with us in completing the operation.

You see, we frankly can tell you that we have individual means to remove a number of them. You have machines. You have not seen the courage of our people as they do these operations. What we want is your modern means to speed up the operations, but these operations

will help put confidence between us, a better relationship between us. You will see; we will release the prisoners. You have to stop the bombing and shelling of North Vietnam in the ceasefire and you must remove the mines. We will release the prisoners fairly and yet you delay the mine removal.

Dr. Kissinger: We don't delay. It is a very difficult task. We had to bring ships from the West Coast to your waters, but we will look into it very carefully. I'm no expert. I have to study this myself. I will communicate with you next week to see what is possible.

Le Duc Tho: It should be speeded up. No one thinks that these operations should last six months. Whatever we do with you, we keep our word and expedite implementation. So regarding the removal of mines, you should have the operation completed more quickly than 70 days for Haiphong.

Dr. Kissinger: We can do it only as fast as possible. Some mines are very complicated.

Le Duc Tho: We study all the mines, all kinds of mines. We have studied them—I frankly tell you—by hand. In many places the ships can go now already. What we want is your responsibility to speed up the operations.

Dr. Kissinger: Frankly, I just don't know enough about it. I'll have to look into it. I'm under the impression that we are making a very serious effort. I will talk to our Naval people, and I will communicate with you at the end of next week. I don't know enough myself.

Le Duc Tho: You should promise that it will be done with greater speed.

Dr. Kissinger: I can't promise what I don't know. I will talk very seriously and do my best to speed it up.

Le Duc Tho: You don't promise an exact date for completion, but you will look into it.

Dr. Kissinger: That is right. That I promise you.

Le Duc Tho: Removal of mines regards North Vietnam. On the prisoners, we have released them fairly from North Vietnam.

Dr. Kissinger: We stopped everything we promised you. The removal of mines is a technical problem.

Le Duc Tho: Now I provisionally believe you will speed up the removal of mines.

Now, the second problem. Article 8c again. You said Saigon told you about 5,000 prisoners. There is nothing about it.

Dr. Kissinger: I will check with Sullivan. We made a major effort before I came here. I said I had an obligation morally, and I was told Friday that they would release 5,000 this weekend. I will let you know

in three or four days. I wanted to do it as an act of good will. Frankly, I don't understand what has happened, but the PRG should submit its list also, so the negotiations can start.

Le Duc Tho: So you should strive to do that. You told me.

Dr. Kissinger: I will. I promise you.

Le Duc Tho: Secondly, they should be returned and not just released, because they can announce they were just released, but no one knows it if they are really released or not.

Dr. Kissinger: I will ask Sullivan to do it. On all these matters, I will write to you next week when I return.

Le Duc Tho: I have finished my work. I have some criticisms towards you, too.

Dr. Kissinger: I thought you would let me leave in good spirits.

Le Duc Tho: It is the lightest criticism only. What we discussed here and what we agreed to keep secret, we should not reveal it. The other day you revealed leaving behind civilian personnel. You said you would leave them behind in certain areas. Secondly, you revealed the understanding about the prisoners in Laos.

Dr. Kissinger: Let me explain. Our bureaucracy didn't know anything at all about the understanding on the civilians. We wanted to make clear that we were not going to keep them there indefinitely. I didn't say there was an understanding. I just said that we intended to withdraw them. And on the Laos POWs, it was a very special case. We are under so much pressure from families, I agree with you; we should keep our understandings secret. And we must keep our discussions secret.

Le Duc Tho: Regarding American civilian personnel, you said that we agreed with you that they can be left behind.

Dr. Kissinger: What I said is that the Agreement provides what categories go and what do not go. I was talking about the Agreement, Article 5.

Le Duc Tho: It's a private understanding.

Dr. Kissinger: I understand your point, and I will be especially careful.

Le Duc Tho: You leak secrets very often.

Dr. Kissinger: I never leak secrets. When I do something, I do it publicly.

Le Duc Tho: You said it publicly, but it's a private understanding.

Dr. Kissinger: I understand your point. I wasn't talking about an understanding. I was really trying to explain the Agreement, Article 5.

Le Duc Tho: In Article 5 there is no mention of civilian personnel.

Dr. Kissinger: But I was asked how about American civilians; so I said those will be permitted to stay, but they will be reduced.

Le Duc Tho: But there wasn't any question put to you. I read it carefully. There was no question about civilian personnel.

Dr. Kissinger: I don't have the transcript. I take what you say very seriously. I will be especially careful.

Le Duc Tho: Over the last few days, and especially yesterday and today and before yesterday, the information we receive and the press releases that we have received, the spokesman of the U.S. State Department said that after the withdrawal of U.S. forces, the U.S. will send to South Vietnam from 5,000 to 10,000 civilian personnel.

Dr. Kissinger: That is total, absolute, stupid nonsense. I tell you now we will not send additional civilian personnel to replace military personnel.

Le Duc Tho: Please read the information of the last few days.

Dr. Kissinger: You must understand the following: I will be very honest. I can control what the White House says. I can control in a general way what the Departments say. Every once in a while they say stupid things, especially when I'm out of the country. I can't do anything about it until I return in a very effective way.

Le Duc Tho: For that reason yesterday the PRG issued a statement protesting against this. You're probably not yet aware of it.

Dr. Kissinger: No, I will get that on the plane.

Le Duc Tho: Please check.

Dr. Kissinger: I don't have to check. We will not send civilian replacements for military personnel. I know. I can tell you.

Le Duc Tho: I provisionally believe you. Please look into it.

Dr. Kissinger: I will look into it, but the facts are that we are not sending additional civilians to Vietnam. Maybe a few in the economic field, but that's permitted.

Le Duc Tho: There's no problem in the economic field.

Dr. Kissinger: But not to replace military personnel. Absolutely not.

Le Duc Tho: Please pay attention.

Dr. Kissinger: I will, but there is no need to worry about this.

Le Duc Tho: The problem is you read explanations of the Agreement at a press conference. I have not misrepresented the Agreement.

Dr. Kissinger: I haven't either.

Le Duc Tho: The explanations I read before the press conference. I checked everything to make sure it was correct, so that there was no particular advantage to us and disadvantage to you. Frankly speaking, in the statements drafted by experts, some parts unilaterally benefitted us, and I told them that this would not do. In your press conference, at some places it was not correct.

Dr. Kissinger: I can't believe that.

Le Duc Tho: I read your transcript.

Dr. Kissinger: I didn't agree with every word of your press conference, either.

Le Duc Tho: Regarding the explanation of the Agreement, I understood it honestly. President Nixon and Ambassador Sullivan also publicly said that the Government of the Republic of Vietnam, the Saigon Administration, is the only legitimate and authoritative government in South Vietnam. I understand that, legally speaking, you still recognize the Saigon Administration and support it, but practically we are negotiating with the PRG for so many years and actually there are two governments in South Vietnam. And in the Agreement also there are two governments in South Vietnam. So when you say this we have to reply by saying that the PRG is the only authoritative representative for South Vietnam. Therefore, we are always clashing with each other. We should try to moderate these.

Dr. Kissinger: I understand your point. In a speech the President had to say that. That was part of the agreement with Saigon. But I understand your point.

Le Duc Tho: You see, I myself had not intended to raise this point. But if the other side says this, then we have to say something.

Dr. Kissinger: I understand that we should show restraint on this point. I understand what you are saying. Because it makes attention.

Dr. Kissinger: I understand your point.

Le Duc Tho: You said the members of the National Council of National Reconciliation and Concord will be equally chosen. You said that North Vietnamese forces should be reduced in South Vietnam; that is not said in the Agreement. When you spelled out Article 7, you said that you will continue to give military aid to Saigon depending on the military activity, depending upon the supply of weapons by the other side.

Dr. Kissinger: I?

Le Duc Tho: Yes.

Dr. Kissinger: First, on Article 7, we should understand exactly what we mean when I said we would give military aid depending upon replacements. If the activity is high, there will be more replacements. If the activity is low, there will be less replacements. On the members of the Council, I thought this was our understanding, in a paper which the Special Adviser gave me in October. (Le Duc Tho laughs.)

Le Duc Tho: There's understanding about that.

Dr. Kissinger: You gave me a paper that you wanted me to sign.

Le Duc Tho: Those are by-gones now. I would like to remind you so I promise you when I explain the Agreement, I will be very moderate.

Dr. Kissinger: But I was very moderate, too.

Le Duc Tho: You said things very correctly, but you had a few other points as well.

Dr. Kissinger: I will keep this in mind.

Le Duc Tho: Moreover in our discussions, there are many things to be kept secret. They shouldn't be revealed. They might create complications, such as on our relationship.

Dr. Kissinger: It is in our interest. We have never revealed important matters. I will talk to the press probably on the 21st. I will speak very constructively.

Le Duc Tho: The understandings shouldn't be revealed.

Dr. Kissinger: Nobody knows. They shouldn't be mentioned. On your trip, let me know who you want to see, anyone you want; what programs you want us to arrange; whether you want some time without a program and without an escort. I don't think I want to be present when you and Cora Weiss meet. (Le Duc Tho laughs.)

Le Duc Tho: Let you and her meet.

Dr. Kissinger: Let me know about food and medical things.

Le Duc Tho: Please think what time would be appropriate for the trip.

Dr. Kissinger: I think the second half of June or July.

Le Duc Tho: Whatever time is convenient.

Dr. Kissinger: And we can discuss how you come. It's probably best to start in Washington and then take a trip.

Le Duc Tho: Yes.

Dr. Kissinger: I will take the Special Adviser to Hollywood. I specialize in that.

Le Duc Tho: All right. Show me whatever you like.

Dr. Kissinger: You will be sensational. I won't let the unmarried members of the group come; they might get too excited. Like Mr. Phuong . . . oh, he's married.

Le Duc Tho: About the program. From now until that date there will be many developments. We will see what issues have to be discussed. We will review the situation.

Dr. Kissinger: I think what we should do is to have formal discussions in Washington. Maybe you'll want to take a trip in America. That is up to you. Just to see something. Then maybe we could meet again in Washington. Or we have a White House in the West near Los Angeles. We can meet again to review things.

Le Duc Tho: Alright.

Dr. Kissinger: Tell us if you want to come to Hawaii and what you need. Just give us the technical information. What you need to

communicate, or if you want to communicate through other friendly embassies. It's up to you.

Le Duc Tho: Yes.

Dr. Kissinger: The Soviets can tell you because they have experience with travel in America. It is up to you. Whatever you want.

Le Duc Tho: I have in mind this—if my trip to America is to discuss some problems that are not very important, then while I make a tour around America, there is no need to keep liaison with my country. Maybe during my stay if there are important matters, I will have to communicate. So we will think about our communications.

Dr. Kissinger: Also so they can communicate with you.

Le Duc Tho: I don't want to communicate through friendly embassies.

Dr. Kissinger: That's not a good idea. I don't like it either. I never do it.

Le Duc Tho: We will do it directly.

Dr. Kissinger: You can do it through Paris. You tell us what you want.

Le Duc Tho: Can we have a radio operator?

Dr. Kissinger: You can bring a radio operator. You'll have to tell us what frequency you wish to use, because our frequencies are allocated to radio stations. Those are technical problems. They are easy. You can bring a radio operator and equipment. But you have to tell us the frequency, and then we can clear a frequency or tell you to use another.

Le Duc Tho: Technically, I'll answer to you.

Dr. Kissinger: They will be very easy problems.

Le Duc Tho: So we'll have March, April and May, and still the end of February. In these four months, many things can happen.

Dr. Kissinger: We will exchange views and then review everything when you come.

Good, Mr. Special Adviser.

Le Duc Tho: Now you should prepare to leave.

Dr. Kissinger: Yes. We must get things together.

Le Duc Tho: Whenever we meet, there are always many problems.

Dr. Kissinger: Yes, but we are solving them.

57. Memorandum of Conversation¹

Paris, May 17, 1973, 10:08 a.m.–3:15 p.m.

PARTICIPANTS

Le Duc Tho, Representative of the Government of the DRV
Nguyen Co Thach, Vice Minister of Foreign Affairs
Phan Hien, Ministry of Foreign Affairs
Col. Hoang Hoa
Dong Nghiem Bai
Phan Ngac
Nguyen Dinh Phuong, Interpreter
Two Notetakers

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
Ambassador William H. Sullivan, Deputy Assistant Secretary of State for East Asian and Pacific Affairs
Ambassador Graham Martin, Ambassador-Designate to the Republic of Vietnam
Helmut Sonnenfeldt, NSC Senior Staff
Mr. George Aldrich, Deputy Legal Advisor, Department of State
Mr. William L. Stearman, NSC Staff
Mr. Peter W. Rodman, NSC Staff
Mr. David A. Engel, Interpreter
Miss Irene G. Derus, Notetaker

Kissinger: This is like old times. I'll hand you a document and if you will sign it we'll take a walk. I know you came with good will and a serious attitude. How is my old friend, Minister Xuan Thuy?

Le Duc Tho: He is all right and he's working all the time.

Kissinger: I noticed he was in Peking agitating against me. [Laughter] As I have already told you outside, I have the difficulty that I no longer know how to address you. I am still a Special Advisor but now apparently the community of Special Advisors no longer exists.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 114, Country Files, Far East, Vietnam, Paris Memcons, May 17–23, 1973. Top Secret; Sensitive; Exclusively Eyes Only. The meeting was held at St. Nom la Bretèche. All brackets are in the original. Tab A is attached but not printed.

This round of six meetings, beginning with this one and ending with the one on May 23, took place a little over 3 months after the Paris Peace Accords were signed. During these months, the military on both sides—Republic of Vietnam as well as Communist forces—violated the cease-fire hundreds of times. Moreover, North Vietnam, in violation of the agreement, was in the process of sending over 300 tanks, approximately 300 artillery pieces, substantial amounts of war matériel, and thousands more troops to the South. Also troublesome to the United States was that no cease-fire had been instituted in Laos or Cambodia and thus none of the thousands of North Vietnamese troops in those two countries had been withdrawn. The United States had proposed these negotiations in April in order to deal with these problems and to get the cease-fire and, more generally, full implementation of the agreement back on track. This period is discussed in Willbanks, *Abandoning Vietnam*, pp. 188–194, and Kissinger, *Years of Upheaval*, pp. 302–327.

I would like to express my personal pleasure of seeing what I remember as the Special Advisor again. Mr. Le Duc Tho and I have done important work together. We have done important work together and I think we owe it to our two countries and to the peoples of the world to strengthen what has been achieved and to bring about its strict implementation.

Among the many clauses of the Agreement last year, among the many goals we set ourselves, perhaps the most important from a historical point of view was to bring about the normalization of relations between the Democratic Republic of Vietnam and the United States of America. This still remains one of our chief goals, and we have both agreed that the conditions for it would be provided by the strict implementation of the agreement.

I have noticed in the brief conversations I had with Mr. Le Duc Tho that peace has not mellowed him. So I am certain that we will have our usual animated discussions. [Laughter]

Le Duc Tho: So you have foreseen the situation.

Kissinger: Well, I have learned a little about objective reality. [Laughter] But I think we should remember that we are still in a condition of peace; that our objective should be to strengthen it, and that we should not slide back to the conditions that first brought us together. We are prepared to meet with you in this spirit, to deal with you with good will, and hopefully to end these meetings with progress both towards implementing the Agreement and the normalization of our relations.

I would like to now ask Mr. Le Duc Tho how we should proceed, whether he should like to make some general observations. And then we can decide who will attack first. [Laughter]

Le Duc Tho: Every side has the right to keep one's initiative in attacking the other side.

Kissinger: But we should do it in some sort of orderly procedure. [Laughter] And I think that at an appropriate moment the first sign of progress will be to eliminate Vice Minister Thach and Ambassador Sullivan so that the serious people can get down to business. [Laughter]

Le Duc Tho: You have finished, Mr. Special Advisor?

Kissinger: Yes. I still have to read this book from cover to cover, but this is just a short personal introduction.

Le Duc Tho: Please let me speak a few words as an opening speech. After the conclusion of the Agreement I thought that we would meet this time in a better atmosphere. But to my regret we are meeting here again—the people are the same, the scenery is the same—but to my regret the situation has not developed in the best way.

Kissinger: The Special Advisor isn't complaining about the people? It is getting to be like a reunion of war veterans. We should have a reunion every October 12 or October 8.

Le Duc Tho: I would think that afterward in the future, when everything is settled, then we should fix that date when we should all meet together to recall the past experiences.

Kissinger: Especially the Two-Point Elaboration that didn't elaborate anything. [Laughter]

Le Duc Tho: We should recall many things! The situation at present is developing with many events but, however, I have come here to meet you again. This is an expression of my good will really, to find out means to put an end to this bad situation. But I believe that I am coming here not to be subjected to you making pressure on me, and you should understand me well. And I would hope that you will show the same spirit of good will and serious intent, and, if so, I am confident that once again we will succeed in bringing about a good solution to the problem.

Because our objective is nothing but bringing about a peaceful solution to Vietnam and to the whole area. And afterward we will establish a better relationship between our country and your country. This position of ours has no change at all. As you have just said, on the basis of scrupulous implementation of the Agreement then we will achieve the normalization of relations between our two countries. It should be our objective and it is indeed our objective. So we shall indulge in our work now. And as a sign of courtesy I give you the opportunity of attacking me. [Laughter]

Kissinger: I have explained to Ambassador Martin, who is new to this process, that when we meet in an American house the Special Advisor, as a sign of courtesy, lets me speak first, and when we meet in a Vietnamese house, because of the traditional Vietnamese hospitality to guests, the Special Advisor also lets me speak first. [Laughter] But wherever we meet, the Special Advisor speaks last.

Let me make a few observations. But before I turn to that, let me take up a comment that Mr. Le Duc Tho made. I don't want to show any disrespect and I would like to call him Mr. Deputy Prime Minister, but I don't know whether he considers that a promotion or a demotion.

Le Duc Tho: (laughs) No, it is not a promotion nor demotion.

Kissinger: I have to point out to my old colleagues one melancholy fact—that everyone associated with these negotiations on both sides has been promoted except I. Everybody.

Le Duc Tho: That is the reason why I see changes in your side.

Kissinger: That is right. Let me introduce the new individuals on our side. Ambassador Martin is here with us. He will go to Saigon,

but he is here so that he understands exactly what we have agreed on and can use his maximum influence to bring about its implementation.

Le Duc Tho: [to Martin]: So your responsibility is rather heavy. And I would hope that you will strictly abide by the provisions of the Agreement.

Ambassador Martin: I will do the best I can, according to the instructions I receive.

Le Duc Tho: But the instructions should be correct ones [laughter]. And the instructions should be given as to the strict implementation of the Agreement.

Kissinger: No, we are here to work out an understanding about the strict implementation of the Agreement on *both* sides. Ambassador Martin will be instructed to carry out precisely and in detail what we have agreed on here, and he is attending these meetings so that he understands exactly what we have agreed on here. And you can assume that these will be his instructions. And we will expect the same scrupulous adherence on your side.

Mr. Stearman has replaced Mr. Negroponte, who is one of the casualties of our negotiations, because his physical constitution was not up to his moral intention. Mr. Negroponte has been transferred to Latin America to recuperate from the onslaughts of the Special Advisor and the two Ministers.

Le Duc Tho: It is wrong to put this blame on me. [Laughter]

Kissinger: Wrong to put the blame on you?

Le Duc Tho: Wrong to put the blame on me.

Kissinger: Well, our physical endurance isn't up to that of our North Vietnamese counterparts. The only American negotiator who ever did anything after he met with you was Ambassador Porter, and that is because he refused to meet with you. And, of course David Bruce, but it took him a year to recover.

Mr. Rodman you remember.

Mr. Sonnenfeldt you have seen once before. In the meantime he is handling European affairs for me, and what we call East-West relations, and I want to convince him that he is dealing with a more tranquil area and easier people.

Mr. Engel you remember, and Miss Derus, who is the only Polish member concerned with these activities who takes an objective view. In fact we believe that it would improve the implementation of the Agreement if she replaced one of the Polish members of the ICCS in Saigon. So now you have met our new associates.

Le Duc Tho: As for our side, they are all old people known to you already.

Kissinger: [Indicating a gentleman at the end of the table] I don't think I met this gentleman before.

Le Duc Tho: So our ranks are steady.

Kissinger: Well, I miss Mr. Loi. [Laughter] I don't think we will have discovered all the subtleties of any agreement we may make until Mr. Loi has a chance to study it and make his comments.

Le Duc Tho: Before my going here I told Mr. Loi that no doubt Dr. Kissinger and Ambassador Sullivan will remind me of the presence of Mr. Loi.

Kissinger: Did he blink when you said this to him? [Laughter]

Le Duc Tho: He is blinking all the time.

Kissinger: Well, Mr. Special Advisor and gentlemen, we suggested this meeting last month because we were concerned that the Agreement on which we had worked so hard and for which we had hope was in serious danger. We signed the Agreement with the serious intention of bringing an end to the fighting throughout Indochina and to bring about the normalization of relations between your country and ours. And, as I told you many times, we intended and still intend to pursue that course of normalization with the same seriousness and the same intensity that we have pursued it with other countries.

The Special Advisor mentioned the possibility that we are here to exercise pressure. But I think we have enough experience with each other now to realize that pressure by neither side can be useful.

Le Duc Tho: [laughs] So it is a good thing if you have understood that.

Kissinger: By either side. Every time either side has tried to use military pressure, there has been a violent reaction from the other side, and the situation became more difficult. So we should not meet here—and we do not meet here—with the attitude of planning military moves. We should meet here, on both sides, with the attitude of accelerating the process that we started last year, and consummated this year, towards a peaceful settlement of Indochina and particularly towards a rapid normalization of relations between our two countries.

Now our two countries over the last months have exchanged many notes of many allegations. You know our view about the violations which we believe have been committed by your side, and which we can demonstrate have been committed by your side. I do not think any useful purpose is served by my reading a long list repeating what we have already communicated to you and what Ambassador Sullivan has taken up with his co-saboteur, Vice Minister Thach.

You know that it is our view that you have not complied with Article 20 of the Agreement.

You know that we have evidence that you have moved thousands of tons of war material into South Vietnam in violation of Article 7

and Article 15 of the Agreement. It is a contribution to the history of relations among states to find 350 tanks, 300 pieces of long-range artillery and several battalions of anti-aircraft guns and missiles classified as civilian goods not subject to the restrictions of Article 7.

We have told you that we believe you have not carried out Article 3 and that you have impeded the work of the International Control Commission as well as the Two-Party Joint Military Commission.

Now I have here a document which lists all the violations that we believe have been committed on your side and which we would appreciate you would study. I see no purpose in spending time reading it at this meeting. These are only the highlights. We have a longer document with further details, but I don't want to overtax Mr. Phuong's translation overnight. [He hands over the document listing the violations, Tab A.]

But, Mr. Special Advisor, I recognize that you, too, have some complaints.

Le Duc Tho: Many complaints.

Kissinger: And I was to add a phrase you would have appreciated, but I am now going to debate whether I will make it, since you interrupted me. I was going to say something that the Special Advisor has never said about me in four years. I was going to say that some of your complaints are even justified.

We recognize that the Agreement, the implementation of the Agreement, requires improvement on both sides, and this is why Ambassador Martin is here with me. But we also believe that the much more serious violations have occurred on your side.

But I am not here to debate this. I am here because both of our countries have an important decision to make. In the early days of the Agreement it was possible to overlook many violations because it was difficult to make the transition from years of warfare to peace. But if the violations continue now, then much more serious questions are raised. We did not sign the Agreement simply to bring about the return of our prisoners. If we wanted that, it was not necessary to make such a complex instrument taking so many months of negotiations. We believe that the Agreement which we negotiated over so many months and with such great care must be strictly implemented. We cannot possibly be indifferent to the violations of provisions which we solemnly signed and which were internationally ratified.

I have told you many times, and I repeat it now, that we will not be an obstacle to the pursuit of your objectives by peaceful means. We will not be an obstacle to the pursuit of your objectives within the framework of this Agreement. And we will not conduct a policy which is directed against the legitimate interest of your country. But we will not ignore, nor can we accept, systematic violations of the Agreement.

But the more important mission that I have here is not to catalog the transgressions of the past. And I would recommend that we do not spend an excessive amount of time charging each other with specific acts of violations. We are here to make a serious effort to make concrete arrangements to bring about a strict implementation of the Agreement on both sides. We are prepared to carry out immediately those parts of the Agreement that remain unfulfilled which remain in our control. We are prepared to use our influence to bring about the implementation of those provisions where there has been a deficiency which is subject to our influence. We hope that you will adopt the same procedure, throughout Indochina, in Vietnam as well as in Laos and Cambodia. And if we work in this spirit, then by the time we both leave here we will have taken a major step forward and we can then realize all of the hopes that we held when we initialed the Agreement and when I met the Special Advisor in Hanoi.

Now I am sure that the Special Advisor has a slightly different perspective produced by a more subjective approach, which he will want to put before me [laughter]. And then I think after we have had that exchange we might begin to work on the concrete details.

Le Duc Tho: I have just listened to your rather general statement, and particularly you wrongly accuse us of mainly violating the Agreement. Therefore I will answer to your statement. Now let me express a few ideas of mine.

Kissinger: Of course, if the Special Advisor reads his entire statement I will go back and read my entire statement. [Laughter]

Le Duc Tho: Actually I have come here in the face of a situation fraught with very serious developments. And therefore I think our aim, our purpose to come here, is to find out measures to be applied and to settle this situation. But you said that we have violated the Agreement systematically and the violations were mainly committed by our side.

Kissinger: I would hate to think it wasn't systematic, because if it wasn't systematic I would hate to think what you would do if you did it systematically. [They smile.] If this was accidental, then I hate to think of what you are capable of.

Le Duc Tho: Because you used those words, therefore I have to reply and mention the U.S. violations, and violations committed by the Saigon Administration. I have carefully listened to the views expressed by Mr. Special Advisor so now I have to express my views and pose specific problems that we have to discuss to find out measures for the settlement of these problems. And finally I will reply to your views and make some comments on the views you have just expressed.

During this meeting between you and me, the basic question is to determine whether after the conclusion of the Agreement we have

ushered in a period of genuine peace so as to establish normal relations between us, or shall we continue to be hostile to each other. Shall we follow the goal of maintaining peace in this area or shall we continue the war? Only a clear determination of our orientations will help settle the problems that we are raising. And that is a very fundamental and very important question.

During the ten years of war you have spent a great deal of money and the loss of a great deal of human lives to interfere and to be engaged militarily in our country. But finally you have to put an end to this war and pull out your troops from our country with a peace agreement. You have pledged to respect the South Vietnamese people's right to self-determination and to refrain from imposing any government or specific personality on South Vietnam. But in practice over the past three months we wonder how much your pledges explicitly laid down in the Agreement are still valuable. You are still continuing your own policy without any change. After the conclusion of the Agreement, President Nixon stated that he would support the Saigon Administration as the only legal administration in South Vietnam. But that administration had been set up by the U.S. itself. You want to deny the role of the Provisional Revolutionary Government of the Republic of South Vietnam.

In the course of the meeting between President Nixon and Nguyen Van Thieu, President Nixon stated that he would continue to implement the Nixon Doctrine in South Vietnam and would maintain U.S. commitments toward the Saigon Administration, and still the U.S. wants to stick to South Vietnam. As a result of the U.S. policy, many essential provisions of the Paris Agreement on Vietnam have not been scrupulously implemented.

Kissinger: May I interrupt to point out to the Special Advisor that we are doing something historic again. We are serving tea in coffee cups in honor of the Agreement. It is a psychological experiment to see if it will taste like tea to you.

Le Duc Tho: Yes, the cups are old cups but the tea may be new. But the main things is the cups.

Kissinger: So you think you are drinking coffee: it will taste like coffee to you.

Le Duc Tho: What I have just said is that the basic causes that make the situation very serious. Now let me raise now the specific problems that in our view the U.S. and the Saigon Administration have systematically violated the Agreement.

With regard to South Vietnam, after the troop withdrawal, the U.S. still leaves behind tens of thousands of military personnel disguised as civilians in South Vietnam.

You publicly announced that you would give nearly as much military aid as during wartime. You brought in tens of thousands of armaments into South Vietnam and you publicly admitted this introduction of weapons into South Vietnam.

Kissinger: When was this, after the Agreement?

Le Duc Tho: Yes, after the conclusion of the Agreement. You organized the three American Consulates in the three military regions of South Vietnam, but actually those three Consulates are three camouflaged military commands in the military regions in South Vietnam.

The order of the ceasefire has not been respected by the U.S. and the Saigon Administration. Immediately after the ceasefire became effective the Saigon Administration launched thousands of encroaching operations and mopping up operations, launched continuous air attacks against regions under the control of the PRG. And of late the U.S. sent its aircraft to bomb the regions of Loc Ninh and Xa Mat. This is a new development in U.S. intervention in South Vietnam by force. Previously the Four-Party Joint Military Commission issued an order of ceasefire but the Saigon Administration refused to respect this order of ceasefire. Recently the delegation of the PRG in the Two-Party Joint Military Commission proposed that the two parties will jointly issue an order of ceasefire, but once again the Saigon Administration refused this proposal.

Kissinger: You have the date?

Le Duc Tho: A few days ago.

Kissinger: Well, we will find it, don't worry about it.

Le Duc Tho: May 15.

Kissinger: The day before yesterday.

Thach: May 11.

Le Duc Tho: May 11. In our view, the ceasefire is not a difficult question to be implemented if the two parties are willing to do so. If not as you said, that it is a difficult question to shift from the conditions of war to the conditions of peace. I still remember that in the past, whenever there was some festival or some national day, then the two parties agreed to observe the ceasefire.

Kissinger: Except in 1968. A slight problem in '68 when the word didn't get to all the units of the North Vietnamese . . .

Le Duc Tho: That is another story. [Laughter]

Kissinger: That is like the Two-Point Elaboration.

Le Duc Tho: This falls under the military field. [Laughter] Therefore, in our view, since we have concluded an Agreement and if we are willing to observe the ceasefire, within 24 hours there will be a ceasefire. But actually the U.S. and the Saigon Administration still intend to maintain a state of war to a certain extent in South Vietnam.

Therefore, for instance, on May 13 Nguyen Van Thieu stated he would continue his program of pacification. All democratic liberties and national concord measures have been trampled under foot by the Saigon Administration. The population is still subjected to coercion, purges, and are forcefully herded into strategic hamlets. And as a result the situation has become very tense in South Vietnam.

There has been no return of Vietnamese civilian personnel. You have promised that you would use your influence over the Saigon Administration so that a great part of these civilian personnel will be returned within two months after the ceasefire and the remaining number of civilian personnel would be returned in the third month after the ceasefire. When Mr. Advisor visited Hanoi you told me that within a few days' time 5,000 civilian personnel held by South Vietnam would be returned, but now three months have elapsed and only a few hundreds of personnel are returned to the PRG. When you left Hanoi, your words went away with you.

The conference between the two South Vietnamese parties have held tens of sessions but there is no progress at all.

Kissinger: Excuse me, I missed the last one. After the 5,000 when my word went away with me. This is the last thing I heard. I was so shaken by that.

Le Duc Tho: When Mr. Advisor visited Hanoi.

Kissinger: That I heard—but after that.

Le Duc Tho: The conference between the two South Vietnamese parties have held tens of sessions but without any progress at all because of the unreasonable demands put forward by the Saigon Administration.

In the past, the Saigon Administration created many cases of provocation and intimidation against the Four-Party Joint Military Commission which prevented the activities of the Four-Party Joint Military Commission, and now the Saigon Administration refuse to apply the immunities and privileges to the delegation of the PRG at the Two-Party Joint Military Commission. As a result the Two-Party Joint Military Commission cannot yet deploy its forces and carry out its mission.

With regard to the Democratic Republic of Vietnam, an independent and sovereign country, you have continued to allow reconnaissance flights over the Democratic Republic of Vietnam in spite of the messages you sent to me promising that if those reconnaissance flights occurred you would punish those who ordered those flights. In fact, those promises are only hollow promises.

You also invoked one pretext or another to prolong indefinitely the mine clearing operations, so that after several months only a few mines have exploded, and now you have stopped the mine clearing operations.

Regarding the Joint Economic Commission, which has not completed its set program of work, you have unilaterally stopped the meetings of the Joint Economic Commission. Moreover, many personalities in the U.S. Administration, including Secretary Elliot Richardson, have repeatedly strengthened to resume the bombing of North Vietnam.

It is clear that your intention is to use the mine clearing operation, the work of the Joint Economic Commission, and threats as bargaining trumps to make pressure on us.

You want even to use other people to make pressure on us. I think you should not use . . .

Kissinger: Like who?

Le Duc Tho: Probably you understand.

Kissinger: No, we wouldn't do that. We tried it, but the Laotians absolutely refused to do it. [Laughter]

Le Duc Tho: I think you should not use dollars as a means to bargain with us. The participation of the U.S. in healing the war wounds of Vietnam is an obligation of yours. This is in our interest, in your interest, in the interest of both sides. It should be pointed out that you have overused threats and pressure against us. Over the five years of our negotiations this has proved to be vain efforts. We remain unswerving. We are people who respect reason, respect the truth, and we are right to demand that you too, you should respect reason and the truth.

With regard to Laos, although the Agreement on Laos has been concluded, the discussions on the protocols are being protracted without any settlement.

Kissinger: It is a little tough to negotiate when your negotiators are never there. That creates certain specific difficulties.

Le Duc Tho: You have given air support to the troops of the Vientiane administration, launching encroaching operations against the regions under the control of the Pathet Lao in violation of the Agreement on Laos.

With regard to Cambodia, you have stepped up very fierce air attacks in Cambodia, and the U.S. Senate and the House of Representatives are opposed to the air attacks in Cambodia by the Nixon Administration.

Kissinger: May I recall to the Special Advisor a rule we discussed three years ago that should be enforced? You have been consistently wrong in your assessment. You will be wrong again. But other than that let us not discuss it.

Le Duc Tho: Let me finish the first sentence. Considering the bombing of Cambodia as an illegal act, therefore, the Senate and the House

of Representatives refuse to appropriate funds to carry out these attacks in Cambodia.

I just point out this fact that the stepped up bombing of Cambodia is a wrong deed: not only we are opposed to that but even the American people are opposed to the bombing in Cambodia. This is what I wanted to mention.

Kissinger: The American people are our problem, not the Special Advisor's. And if he remembers, he has not always been right in his assessment.

Le Duc Tho: Whether I was wrong or right, you are aware of that.

Kissinger: But we do not need to delay on that. We will continue to other matters.

Le Duc Tho: Because this is related to your stepped-up activities in Cambodia, therefore I mention this fact. All those violations of the Paris Agreement on Vietnam and the happenings in Laos and in Cambodia are evidence, undeniable proof that make one doubt the value of your commitments and your respect of the provisions of the signed Agreement. However, you said that we have violated, systematically violated the Agreement and flagrantly violated the Agreement. In doing so you have confused right and wrong. You do not make difference between white and black. You have violated the Agreement and you demand that we implement the Agreement. This sounds paradoxical. All parties must scrupulously implement the signed Agreement. This is a correct point of view.

The situations have become now very serious. The lessons of the implementation of the 1954 Geneva Agreement on Vietnam and the 1962 Agreement on Laos are being repeated. The responsibilities are entirely on the U.S. side and the Saigon Administration.

Now we are facing two paths. The first path is that you will continue your neo-colonialist policy. You will continue to violate the Agreement, thus making the situation more and more serious. The second path will be that we must scrupulously respect the Agreement and put an end to the period of hostilities and to shift to a period of peace so as to establish normal relations and friendly relations over the long term between each of us.

If you follow the first path the consequences will be unpredictable because in South Vietnam the war is still going on, and war has its own laws. It will develop from small battles to bigger war, and you will step-by-step continue to interfere in Vietnam and then to face the danger of returning to the war a second time. I think you have drawn necessary conclusions regarding the mark left behind in your country by the Vietnam war over the past ten years, and you know how the political and economic situation in your country has been affected by

the Vietnam war. President Nixon himself admitted that the golden time of the U.S. after World War II can no longer be seen even in dreams.

Kissinger: Which times?

Le Duc Tho: The golden times.

Kissinger: The golden times have always been in the past! No country has ever lived in the golden age. When the Special Advisor and I teach our joint course on philosophy we will have a few lectures on that subject—about the nature of the Golden Age.

Le Duc Tho: Yes, actually now our concepts of the golden time differs.

Now let me continue. The Vietnam war greatly influenced and affected the situation in the U.S. and greatly affected the international situation, and even affected the relationship between big powers. In Southeast Asia the situation after the war has also changed. The military blocs set up by the U.S. exist now only nominally but not actually. The countries which were your allies such as Australia and New Zealand are opposing your war policy in this region. Even the Philippines are demanding to review a number of agreements signed with U.S.

Kissinger: We are sending Sullivan there; this won't last long.
[Laughter]

Le Duc Tho: In Thailand all the broad movement is developing to demand the withdrawal of U.S. from Thailand. I think that you should realize all these developments I have just mentioned and you should not return to the old route and continue to be involved militarily and continue to interfere in South Vietnam; this will bring about a new era in Vietnam for a second time. If you continue to apply your policy on a position of strength, to implement the Nixon Doctrine and to implement neo-colonialism in South Vietnam, then your course of action does not conform to the changing situation at present. And, if so, there is no reason that we will remain idle. Our people will have no other way to follow than to continue our struggle. This is a vital path for our people in the face of the continued hostilities carried out by the Saigon Administration with your backing and encouragement.

We earnestly do not want to continue the war. We earnestly want to scrupulously implement the Agreement that has been signed. We earnestly want peace, and this is very clear. But you do not let our people to live in peace and therefore our people are compelled to struggle to live, and no doubt victory will once again belong to the Vietnamese people. We Vietnamese we are a people subjected too much to aggression and oppression. We will continue our struggle, and if we continue our struggle we will have hardships and sufferings, but we will lose nothing but the chains which you still intend to put on our peoples' necks. But if we continue our struggle we will gain freedom

and independence. That is the reason why our people think there is nothing more precious than independence and freedom.

We think you have considerable intelligence and wisdom to choose your path to follow in keeping with what Mr. Advisor told me in the course of our negotiations, in keeping with what the U.S. has pledged to respect regarding the implementing of the Agreement, and in keeping with the promises you made to me when we initialed the text of the Agreement and even what you have just said today. We think that this course of action conforms to reality, conforms to the general trend of the world today. I think that this is conforming to the reality and conforming to the general trend of the world today.

And in our view, the second path I have mentioned above is the best way, the way we have promised to follow. The way that is in the best interests of both sides. If peace is generally really restored in Vietnam and in Indochina, this will contribute to the stabilization of the situation in the U.S. and this will offer an occasion for you to contribute to the reconstruction of Vietnam and Indochina on a new basis, on a basis of mutual respect and non-interference in each other's internal affairs and beneficial to both sides. On this basis, you will have interests in Indochina, and in this region. But if on the contrary, if you continue the war as you are doing now in South Vietnam and continue to violate the Agreement this development will not happen.

We fully understand our position in this region. An independent and peaceful Vietnam will be a stabilizing element in this area. You should clearly realize this position of Vietnam and approach the problem correctly. Peace in Vietnam and Indochina is not only in the interests of the U.S. in this area but it will be a propitious influence to the countries in this area, in the interest of everyone, including the United States. And this will be a propitious influence over other regions, in the interests of other peoples, including the United States. So peace in Vietnam and Indochina is in the interest of both sides. In the course of our negotiations, particularly since October 1972, we have repeatedly told you about this policy of our country. This policy remains unchanged. We reaffirm this policy now.

With regard to North Vietnam, we want peace to reconstruct our country devastated by so many years of war. If we do not want peace then we would not have signed the Agreement with you. We do want normalized relationship with you. Even when North Vietnam was still hot with U.S. bombing and shelling, we received you in the capital of our country, and had talks. We have carried out the negotiations with you in the economic field on a great scale. We do want that the relationship between our countries be based on a long term, not only for five years or ten years, but for a longer term. The relations between our two countries will not only be normalized but gradually lead to friendship and establishment of diplomatic relations.

At your invitation I do want to visit your country, to further tighten the friendship between our two countries on a new basis but in a new situation. But if the situation continues to develop as it is developing now, how can I visit your country now? Without a desire for peace there cannot be such actions as I have just mentioned. To our regret, these activities do not develop rapidly and smoothly, because you have hampered the development by your very serious violations of the Agreement.

With regard to South Vietnam, we have no other objective or desire than to recognize the reality that there are in South Vietnam two administrations, two armies, two zones of control and three political forces. The two South Vietnamese parties must respect each other and not try to eliminate each other, so as to ultimately realize peace and national reconciliation and concord and generally democratic political competition, and eventually to organize general elections to determine a genuinely democratic and neutral system for South Vietnam without foreign interference, and to advance toward the reunification of Vietnam by peaceful means and not by force. Those are the objectives of our government and of the PRG of the Republic of South Vietnam. Those objectives remain unchanged. Those are also the explicit provisions of the Agreement.

But the Saigon people have deliberately violated those provisions, ignored these realities, denied the political reality of South Vietnam, and want to continue the war and to eliminate the role of the PRG. But the Saigon Administration people will never succeed in doing so. In the past ten years, with over half a million U.S. troops, the Saigon people could not realize their goal. How in the present condition can they succeed in doing so? They will be resolutely struck back by the PRG, and they cannot avoid heavy defeat. Because they run counter to the aspirations for peace, for national concord of the South Vietnamese people. With the policy of continued war of the Saigon Administration, how can peace be really restored in South Vietnam?

We earnestly desire peace and a scrupulous implementation of the Paris Agreement. But this will depend not only on us but also mainly depends on the United States and the Saigon Administration. If you now give up your present policy and strictly implement the Agreement, and then the Saigon Administration will do the same—and first of all if you strictly respect the provisions of the Agreement that I have mentioned above, then there will be peace, then a new era will be opened up for our two peoples. And only on the basis of respect and strict implementation of the Agreement by both sides can we realize what both of us have been expecting, on both sides. This is the best way. There is no other way.

On the basis of the clear determination of the path we have to follow, then we can endeavor to find out the orientation and the con-

crete means to settle the problems that we will raise. We have come here with good will and a serious intent, prepared to settle specific problems so as to bring good results to these discussions, so as to arrive at better relations between our two countries. I hope that you will approach with the same attitude.

I have finished my statement. Now I will point out the specific problems that we have to solve.

In view of the Agreement and the protocols on implementation of the Agreement during the recent period, we think there are two categories of problems. The first category of problems directly regards North Vietnam and the second category of problems directly concerns South Vietnam. In the first category of problems there are the following urgent problems. First, the continuation of mine clearing in North Vietnam by the U.S.; second, the resumption of meetings of the DRV/US Joint Economic Commission; and third, the complete cessation of reconnaissance flights by the U.S. over North Vietnam.

The second category of problems, regarding South Vietnam—there are the following pressing problems: First, the implementation of the provisions on ceasefire; second, the complete return of military men and civilian personnel, Vietnamese civilian personnel, captured in South Vietnam; thirdly, questions in connection with Chapter IV of the Agreement, on the right to self-determination of the South Vietnamese population, including two questions—first, the immediate enforcement of democratic liberties and national concord in South Vietnam, and second, the formation of the National Council for National Reconciliation and Concord.

Besides those questions you have mentioned Article 20 regarding the question of Laos and the question of Cambodia. If you want to exchange views with me at any point on these problems, I am prepared to discuss.

Kissinger: You know my concern with the Ho Chi Minh Trail.

Le Duc Tho: I have fully understood your concern, and you are also aware of my concerns too.

So I have finished my statement and I have pointed the problems that need our discussions, and I propose one by one we discuss these questions. In case you want to raise other questions, go ahead and then we discuss those. Those are problems we ourselves have raised: if you want to raise any questions. As to the views you expressed at the beginning of our session here, in the course of our discussions I will reply to you. I propose a little break now, and after that we resume.

Kissinger: I would first like to point out that the Special Advisor is well prepared for his lectures at Harvard, because his presentation was within the 50-minute time frame which lectures at Harvard require.

Of course, it is not yet clear whether I can go back to Harvard, but I know he will always be welcome.

Now on our future discussions, I agree with the Special Advisor that we should take a break; then I will make some comments on his presentation. I agree with his work program, together with any points we want to make. I think we should go point-by-point through all the complaints either side has, analyze specifically what the objections are of either side to the performance of the other, and see if we can't find concrete remedial measures. Either side should be able to propose and then find concrete remedial measures. This will be our objective.

Le Duc Tho: I agree with you.

Kissinger: Shall we take a little break, Mr. Special Advisor?

Le Duc Tho: I earnestly want to visit Harvard University but it depends on you!

Kissinger: Let me say this, Mr. Special Advisor. If we have this discussion with the attitude that everything has to be done by us, it will be totally useless. Both sides have a responsibility.

Le Duc Tho: But the main responsibility is on you. [Laughter]

[The group broke at 12:05 p.m. for lunch. Dr. Kissinger and Le Duc Tho conferred privately at the table—Dr. Kissinger broached the idea of a joint memorandum of understanding. Le Duc Tho said he would consider it.]

[The formal meeting resumed at 2:00 p.m.]

Kissinger: Mr. Special Advisor, may I propose a plan of work for today and for the rest of our visit here?

I propose that we work this afternoon until 3:30, because I must see the French Foreign Minister at 5:30. Incidentally, not about our work here. [Laughter] Although, as I have pointed out to the Special Advisor, it is going to be very difficult to complete our work without the assistance of Mr. Schumann. He always made very moving and eloquent statements after both of us saw him. But I have to say he was more confused after the Vietnamese side saw him than after I saw him. I always gave him last month's proposal, but I always had the impression you gave him last year's proposal.

Le Duc Tho: You have a deep impression of Minister Schumann.

Kissinger: And of our colleagues from the other side here. Tomorrow morning, I have to see President Pompidou. These meetings are to prepare President Nixon's meeting with the French leaders in Iceland at the end of this month. So if it is agreeable to the Special Advisor, I propose that we meet tomorrow afternoon, any time from 2 o'clock on.

Le Duc Tho: Three o'clock, I propose.

Kissinger: Yes. As you say, it is up to you. [Laughter] At three o'clock then. And then we should make a plan of work which we meet

every day for some hours. I cannot possibly stay beyond Tuesday. The Special Advisor is very disciplined, and I say this only so that he can prepare his plan of work and we can mutually agree on it.

Now I think we should plan to have, at the end of this meeting, a clear understanding of the two sides of what is required for the strict implementation of the Agreement, and perhaps a written understanding of what the specific measures are that each side should take.

Now let me make a very few observations about what the Special Advisor has said. I was glad that he did not challenge the implementation of Article 23 of the Agreement. [Laughter] So at least we have made some progress. Now I agree with the Special Advisor that we are now at a very important juncture. Both sides have to decide whether we should head for a prolonged period of peace or whether we should slide into a new cycle of violence, which will have inevitably the same consequences we have had in the past; namely that our two countries will confront each other once again. As far as the United States is concerned, our policy is to bring about a period of peace, of normalization, and eventually of friendship. And if we can bring this about, the ultimate evolution of events in Indochina will take place in a completely different atmosphere.

So the important question both of us have to answer is, as I have already said in Hanoi—do we want to use this Agreement as an offensive weapon or do we want to use it in building a new relation between our two countries? If the former, then we will repeat what we have already experienced in the past, with serious consequences. If the latter, that is to say if we begin a period of peace, the United States is prepared to make a major effort, recognizing that the strict implementation of the Agreement is a prerequisite.

I think both of our sides have this responsibility.

Now with respect to some of the specific points that the Special Advisor made, let me—there is no sense in rebutting every last one of them because we are here to do positive work, not to criticize each other's presentation. So I will point out some misconceptions in the Special Advisor's presentation insofar as they affect U.S. actions, and then I will turn to some positive proposals.

The Special Advisor pointed out or alleged that there were tens of thousands of American personnel in South Vietnam disguised as civilians. We are familiar only with some 8,000 Americans in all of Vietnam, of which 206 are military; 156 of these are guards in the American Embassy in Saigon and the rest are military attachés. But this is a point we can be specific about in any understandings we reach.

The Special Advisor spoke of the bombing of South Vietnam. I don't make exorbitant claims for the accuracy of the United States Air

Force. They have been known to miss their targets. But they rarely miss their country. And they are not authorized to attack in South Vietnam at this moment.

Now I have a long list of other points which I would be prepared to contest, but I don't think it serves any useful purpose, because we are not here to discuss the merits of accusations about the past but rather to see what we can do about the future.

At the end of his presentation the Special Advisor said there are two categories of problems; those that concern North Vietnam and the U.S., and the other set that concerns, in addition to North Vietnam and the U.S., also the South Vietnamese parties. There is also a third category of problems that concern the other countries of Indochina, Laos and Cambodia, which we believe must also be discussed.

Now I accept all the points that the Special Advisor raised as needing improvement in the implementation of the Agreement, and I will accept his suggestion that we add to those the points that we want to raise. And, therefore, let me stop talking about the past and let me make some specific suggestions to the Special Advisor, going through the Agreement article by article stating what we are prepared to do—and what we propose that you do. If we can come to an understanding about this, then we can express this in an appropriate memorandum and use that as the basis for our further work. So rather than break it down according to the categories you have, Mr. Special Advisor, if you permit me, let me go through the Agreement article by article and propose to you what I think should be the outcome of our discussion. First . . . [one of the DRV side hands Le Duc Tho a copy of the Agreement] I thought the Special Advisor knew it by heart. [Laughter]

Le Duc Tho: No, I can't know it by heart.

Kissinger: Especially Article 20.

First, with respect to Article 2. The U.S. will be prepared to stop, immediately upon our reaching an agreement, all aerial reconnaissance over the Democratic Republic of Vietnam. Also, in accordance with Article 2, the U.S. will be prepared to resume mine clearing operations within an agreed period of days and to complete it successfully within another agreed period of days.

In accordance with Articles 2 and 3, there should be established within a fixed time period a complete ceasefire throughout South Vietnam.

Fourth, again in accordance with Article 3(b), the two sides should, within a fixed time period, agree on the delimitation of areas controlled by each. You remember how many days we spent on zones of control? We are finally accepting it.

Fifth, again in order to improve the implementation of Article 3, local military commanders of the two South Vietnamese parties at

appropriate levels should be authorized to meet to carry out the provisions of the ceasefire protocol.

Six. We have nothing to suggest about improving Articles 4, 5 and 6, so I now turn to Article 7. With respect to Article 7, the introduction into South Vietnam of troops, military advisors and military personnel should cease immediately.

Point 7, again in conformity with Article 7, the clandestine introduction into South Vietnam of arms, munitions and war materials must cease immediately, and the introduction should be limited to replacements. I might add, incidentally, that military combat equipment cannot be used to transport civilian goods. So you cannot introduce razor blades in the barrel of 130 mm guns.

Eighth, the points of entry should be designated by both South Vietnamese parties immediately, and all military equipment should come through those points of entry.

Now I turn to Article 8. First with respect to Article 8(a), any captured personnel under the provisions of that article that have not been returned should be returned immediately.

Tenth point. I now turn to Article 8(c). The Vietnamese civilian personnel covered by that article should be identified immediately and returned as soon as possible, and each party should make available to the other without delay all information available concerning the fate of all missing persons covered by this article.

I am giving you the basic ideas. This is not expressed in formal language.

In point 11, with respect to Article 11, we believe that the two South Vietnamese parties should inform each other and the other parties of the Paris Agreement of the measures they are taking to implement that article.

Point 12, referring to Article 12, we should call on the two South Vietnamese parties to establish the National Council of National Reconciliation and Concord as soon as possible and to designate the personnel for it as soon as they can agree.

Point 13. Again, we should call on the two South Vietnamese parties to move as rapidly as possible towards an agreement on the internal matters called for under Article 12(a).

Fourteen concerns the strict implementation of Article 15 of the Agreement involving respect for the demilitarized zone. And it points out, and we propose, that military equipment can transit that zone only if introduced into South Vietnam only as replacements permitted pursuant to Article 7 of the Agreement.

I now turn to the section which has always been particularly close to the Special Advisor's heart, the one dealing with the international

control machinery. [Laughter] I know he will give special attention to bring about its efficient operation. Of course we wouldn't want your Hungarian and Polish allies to be bored in South Vietnam.

First, we propose that we agree here that in conformity with Article 17 the Two-Party Joint Military Commission should be fully staffed within an agreed period of time and its teams should be deployed to all places where the teams of the ICCS are to be deployed, including the designated points of entry.

With respect to Article 17—this is my 16th point—the Two-Party Joint Military Commission should be immediately accorded appropriate privileges and immunities similar to the privileges and immunities enjoyed by the Four-Party Joint Military Commission.

Seventeen. We propose in conformity with Article 18 that the International Commission of Control and Supervision should be authorized to carry out all necessary travel between its headquarters and its teams and among its teams and that all military personnel in South Vietnam should be informed of this.

We have an 18th point about Cambodia and a 19th point about Laos, the essence of both of which is that with respect to Cambodia we believe a ceasefire must be established rapidly, and with respect to both of them a fixed time for the withdrawal of foreign forces must be set.

With respect to Article 22, or 21, the U.S. will be prepared to resume the meeting of the Joint Economic Commission within an agreed time period and to agree that its work should be completed within an agreed short time period.

As the Special Advisor can see, we have gone through this Agreement with great care, and we have made a serious effort to meet your concerns. We will be prepared to come to an understanding based on this general approach, or to embody it in a formal written document. I believe we have answered every one of the points which you have raised. And I believe we have given you a basis which will bring about the strict implementation of the Agreement and a rapid improvement in the relations between our two countries.

Of course we would have to agree on the time period in each of these various categories. We believe that is a soluble problem.

Le Duc Tho: I propose that I will ask a few questions, and after you answer them we will postpone until tomorrow. Because I will think over the proposal in the presentation you have just made.

Kissinger: I wish to point out to the Special Advisor that if he has a more favorable proposal with him he should not be bashful about proposing it. I see he has a few more documents with him.

Le Duc Tho: The first question is about the time limit you have mentioned here. Because the time limit you mentioned is not yet concrete.

Kissinger: It is non-existent! [Laughter] I have carefully avoided making it concrete, Mr. Special Advisor.

Le Duc Tho: Regarding the reconnaissance flights, you mentioned that would be stopped immediately after an agreement here, but on what date? And regarding the mine clearing operation.

Kissinger: We are prepared to stop the reconnaissance flights immediately.

Le Duc Tho: But in what time limit?

Kissinger: With respect to the first question, we would be prepared to end those immediately upon reaching an agreement. With respect to the second question, we are prepared to give you tomorrow a concrete time period, which will be short. And shorter than any time period we have given you previously. The time it would take us to assemble our mine clearing force and the number of days it would take to complete the work. But I can tell you now we will be ready to resume minesweeping within six days of our coming to an agreement.

Le Duc Tho: The same for the time fixed for the ceasefire—you have not mentioned the specific date on which the ceasefire must be observed. The same for the determination of the zones of control.

Kissinger: We haven't given you any fixed times for anything and we would be glad to get your suggestions on these dates. The time frame for those matters that are within our control, such as reconnaissance flights and mine sweeping, we will suggest to you. On things like ceasefire, there is a question of getting in touch with various commanders, and we have to do it by mutual agreement, but we are prepared to propose a very short time period.

But I agree with the Special Advisor that the time period by which the ceasefire must go into effect should be shorter than the time period for the delimitation of zones of control, but not too much.

Le Duc Tho: Regarding Article 21 too, you have not fixed just when the Commission should resume its work, when its work should be completed. In a word, all these time limits have not been settled.

Kissinger: No, but I say again all this will not be a major obstacle to a negotiation. On matters under our control. Especially if the Special Advisor can curb his normal impetuosity. Would you like to know our time limit for Article 20? I don't want to keep you in suspense.

Le Duc Tho: Also regarding the return of the captured military personnel and civilian personnel. If you want to put a specific time limit you can. But in a word you have raised many questions but in general they have not been specific. It sounds just like a repetition of

the Agreement. So, therefore, my view is that you should speak in more concrete terms, and then I will express my views.

And secondly, there are matters you said are under your control and others that are not under your direct control; therefore if we discuss and come to agreement here then later you will retract and invoke the pretext that South Vietnam will not respect the agreement. What happens then? For instance, if now we agree on the question of the ceasefire or the question of the zones of control or the deadline for the release of captured military personnel or political detainees, or regarding the work of the two South Vietnamese parties, or regarding the immunities and privileges of the delegations—supposing we come to good results in our talks here but afterward regarding the implementation of the agreement you will invoke the pretext of the nonimplementation by the South Vietnamese, then our agreement will not be implemented. And I think that regarding problems concerning the U.S. and the DRV, those are not very great problems, and they can be easily solved. But regarding problems concerning South Vietnam, if now we come to an agreement here but later you will say the South Vietnamese will not agree to that, will you then guarantee the implementation of the agreement we have reached here between the U.S. and DRV? Because if the agreement reached here will not be implemented, then the situation of the violation of the Agreement will remain unchanged.

What I wanted to do here is to discuss with you and to come to a real settlement that will be implemented by all parties. So, at the first hearing of your statement, I feel that it may be discussed and come to a solution, but what I want to know is the specific time limit regarding those questions and regarding the problems concerning the South Vietnamese. We must solve these questions, because otherwise we can't come to a settlement and the Agreement we reached last year will not be implemented. The lack of specific time limits and more concrete terms in your proposal . . .

Kissinger: He was all right until things started making progress. Maybe we should have Sullivan and Thach do some technical things. We were making good progress as long as these two were doing protocols. Do you want me to answer, Mr. Special Advisor, or do you have more comments.

Le Duc Tho: Those are my preliminary comments.

Kissinger: I have noticed that the Special Advisor didn't press me on specificity with respect to Article 20.

Le Duc Tho: [laughs] You may propose some specific proposals. So I have expressed some views and you can reply to my comments to me today or tomorrow.

Kissinger: Let me make a brief comment today and then we can discuss it in greater detail tomorrow. Obviously a proposal to improve

the implementation of the Agreement must, in a sense, parallel the Agreement and use some of its same language; that is inherent in the situation. Obviously if either side wants to violate the Agreement, saying the same thing again will not prevent violation of the Agreement. But we wouldn't be here if we did not want to improve the implementation of the Agreement and if we did not want to turn the relationship of our two countries toward normalization. And therefore the mere act of reaffirming the solemn commitment of both of our countries to a new understanding would have its significance. Obviously if either side wanted a confrontation, we wouldn't have to meet here.

Now with respect to the specific time limits, we will make specific proposals and you should make specific proposals. And I honestly believe that if we meet each other in a constructive spirit we will solve these, because it is in both of our interests to reach agreement on realistic time limits that can be implemented rapidly.

Now with respect to the third point, which in effect says how do either of us know if the friends of the other side will carry out the agreement? We are both realists, and we have to recognize that this presents a difficulty—for us in South Vietnam; for you in Laos and Cambodia. We know that Madame Binh is so docile and easy to get along with that there will be no difficulty for you in South Vietnam. [Tho grins]

Now we both have to recognize the difficulty. Now if we come to an understanding—and Ambassador Martin is here for that reason—we will make a very major effort to bring about its implementation. Some of the provisions, like the ceasefire, should be implemented very rapidly. Other provisions, like the political process, we have both recognized—when we talked privately—will take a little longer. But neither of us will be able to fool the other. If we now come to an understanding, we will see soon enough whether it is being implemented—and if we wanted to break the understanding we wouldn't be here in order to sign it. So we believe that agreement between the two of us would give us an opportunity, and an obligation, to bring about the implementation of those things we can do ourselves and of those things that our friends should do.

Le Duc Tho: Let me add one more sentence and we will discuss tomorrow. Because we have got experience about the understandings we reached with you before the signing of the Paris Agreement. For instance the understanding regarding Article 8(c), you promised me that; but so far the promise has not come true. Then today you said the agreement we reach here depends also on your ally, therefore I wonder whether the agreement we reach here will be implemented. Will you guarantee the agreement we reach here will be implemented?

I provisionally believe in your statement this time, that you come to Paris for the purpose of coming to real settlement of the problem.

Kissinger: I think the Special Advisor is really getting a little mellow!

Le Duc Tho: So therefore I hope that you will come to an understanding that will come true and it will match words and deeds. And I would like to stress the fact that we cannot say that we come to an agreement here but the implementation of the agreement still depends on our allies; then it will come to no result. Because the question here is the implementation of the Agreement. We have signed the Agreement; now we make review of the implementation of the Agreement, and we must ensure the implementation of the Agreement by both sides. By all the parties. And in this spirit we will continue the discussion.

Kissinger: Mr. Special Advisor, I accept the proposition that we have the responsibility to bring about the implementation of what we agree to. But I cannot accept the proposition that we have to reassure you alone. Because after all, in our view, Article 7, Article 15, parts of 8(c) and 20 have been totally violated by your side. We can ask, how do we know that when you sign this document that will be carried out anymore than the Agreement you signed?

We start from the assumption that this time when we sign it it means you will implement it, because the loss of confidence would be so great if we sign another document and that too is immediately violated, that there would be no possibility of reviewing it.

Le Duc Tho: [laughs] First of all I would like to point out that the alleged violations of the articles you have just mentioned I must reject, but I will reply to you later. I agree with you that this time if we succeed in coming to an agreement, then the agreement must be implemented by all the parties, and it should not be that we will have to do again the task for a third time.

Kissinger: I agree with you.

Le Duc Tho: So we will postpone and meet again tomorrow. At Gif.

Kissinger: Good. Three o'clock tomorrow at Gif. That means the Communist Party of France will get tapes.

Le Duc Tho: You were always haunted by this thought of bugging. [Laughter]

[The meeting then adjourned.]

58. Memorandum of Conversation¹

Paris, May 18, 1973, 3–6:45 p.m.

PARTICIPANTS

Le Duc Tho, Representative of the Government of the DRV
 Nguyen Co Thach, Vice Minister for Foreign Affairs
 Phan Hien, Ministry of Foreign Affairs
 Col. Hoang Hoa
 Dong Nghiem Bai
 Pham Ngac
 Nguyen Dinh Phuong, Interpreter
 Two Notetakers

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
 Ambassador William H. Sullivan, Deputy Assistant Secretary of State for
 E. Asian and Pacific Affairs
 Ambassador Graham Martin, Ambassador-Designate to the Republic of Vietnam
 Mr. George Aldrich, Deputy Legal Advisor, Department of State
 Mr. William L. Stearman, NSC Staff
 Mr. Peter W. Rodman, NSC Staff
 Mr. David A. Engel, Interpreter
 Mr. Richard P. Campbell, NSC Staff
 Mrs. Bonnie Andrews, Notetaker

Le Duc Tho: Yesterday you were not concrete enough, therefore, you should have something more concrete today.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 114, Country Files, Far East, Vietnam, Paris Memcons, May 17–23, 1973. Top Secret; Sensitive; Exclusively Eyes Only. The meeting was held at 108 Avenue du Général Leclerc, Gif-sur-Yvette. All brackets are in the original. Tab A is attached but not printed.

Kissinger reported to the President later the same day, addressing both the tone and substance of the meeting. Regarding tone, he wrote:

“Although outwardly pleasant in his general demeanor towards us today, Le Duc Tho turned tough and insolent in his presentation of DRV proposals for remedial measures for implementation of Paris Agreement. His proposals amounted to a renegotiation of significant portions of the Agreement and protocols and were reminiscent of attitudes he displayed last December.”

Regarding substance, several topics were discussed, prominently among them the U.S. role in, to use a frequent phrase of Le Duc Tho, “healing the wounds of war,” which Kissinger called “economic aid.” On this he told Nixon that “it is quite clear that they want it badly, but as yet unclear what, if anything, they are prepared to pay for it. This would seem to be major card we have to play. However, I did, once again, warn of serious military consequences if they fail to reach satisfactory understandings with us.”

The cease-fire, which was supposed to have gone into effect immediately after the Accords were signed, had yet to be achieved. On this, Kissinger told the President that Le Duc Tho had “suggested new ceasefire arrangement, which would result in GVN withdrawal from all areas it reclaimed after Communist land-grab immediately following signature of Agreement last January.” (*Foreign Relations, 1969–1976*, vol. X, Vietnam, January 1973–July 1975, Document 51)

Kissinger: That is in contrast to tomorrow. I know the Special Advisor has a statement here that he . . . [laughter]. Then we can become more concrete about mine.

Le Duc Tho: Today we will go into more concrete details. As to the statement, we have finished that.

Kissinger: Mine is larger than the Special Advisor's and I have two pair. [Referring to his glasses]

Le Duc Tho: To see better and to look better into the problems we have.

Kissinger: I am prepared for everything.

Le Duc Tho: Have you anything to add to what you said yesterday?

Kissinger: Well, the Special Advisor said yesterday that today we could discuss Cambodia and Laos. Why don't we do that first, and after that we could give you a document in which we express some of our ideas from yesterday.

I am told that on the other side in Cambodia the leading people are all the students of the Special Advisor. [Laughter]. I wish I could say that for our side. The only man on our side who is from Harvard is Mr. Duc from Saigon, and he gives me almost as much trouble as you do.

Le Duc Tho: We have different difficulties. Our difficulties between you and I are different than between you and Mr. Duc. Two different categories of basic difficulties.

I agree with what you said yesterday, to the problems that you raised yesterday, and I agree that we should go into the Agreement article by article to see our stands article by article and to see how we should correct the problem article by article. As to the Laos and Cambodian problem, they are covered by the Agreement and we will come to that. Now, Mr. Advisor, do you have anything to add to what you said yesterday?

Kissinger: [laughs] I think the Special Advisor is carrying politeness to absolute extremes.

Le Duc Tho: So yesterday you told me that today you would speak more concretely. Therefore I propose that we openly speak out our views.

Kissinger: Let me say two things. First, our view about Laos and Cambodia. And then I will give you a document which spells out what we hope to achieve at this meeting.

First, with respect to Laos and Cambodia. Now you will see from the document we gave you that we propose to resume within a fixed number of days the work of the Joint Economic Commission and to finish its work within another fixed period of days. This means that

upon the completion of the work of the Joint Economic Commission we will be obligated to present to Congress at least the program for the first year. And there is no question that this program will face enormous difficulties before Congress—and I don't say this as a bargaining device; I say this to describe an existing reality. We are prepared to use our full authority to urge passage by Congress for this program, and once the first year's program is achieved, the subsequent programs will be much easier. We will have no basis whatever for obtaining approval unless the provisions with respect to Laos and Cambodia, especially the part relating to the withdrawal of foreign forces, are in process of being implemented. Secondly, there should be a ceasefire in Cambodia.

If these two objectives can be achieved—and I realize that they are difficult—and we can come to an understanding on the other points, as I believe we can, then I think we have a good possibility on our side of implementing the economic provisions of the Agreement. Now this is the reality I am attempting to describe, and this should be our objective.

Now, with respect to the Agreement itself—maybe the Special Advisor would like to comment on what I have just said.

Le Duc Tho: Yes, I will say just a few words. I think that today we meet and we should base ourselves on the provisions of the Agreement and we should see how we can implement each provision of the Agreement. And we should not link the healing of the war wounds, which is an obligation of the US, and which is in the interest of both parties, we should not link this with any other problems we are facing.

In the message sent by President Nixon to the Prime Minister regarding the healing of the war wounds and the reconstruction of the DRV, President Nixon said this was not attached to any political conditions. Therefore, I think that our meeting this time will mark a shift to a new period. We should review the implementation of the Agreement. We should go into the Agreement article by article and see how we can implement it. It is no longer the period when you come here for horse-trading.

Dr. Kissinger: Buffalo-trading.

Le Duc Tho: As to Laos and Cambodia, I will express my views in this connection.

Kissinger: The Special Advisor has been keeping me in suspense for the last 24 hours, and I suppose will for the next 24 hours. Of course, a man who has acquired all the buffalos has no incentive to do any buffalo-trading. [Laughter]

Le Duc Tho: We have shifted to a new period since we have concluded the Agreement. And on the basis of the Agreement we will

review how it has been implemented—what has been implemented and what has not been implemented—and including the questions of Laos and Cambodia.

Kissinger: I agree to proceed on this basis. It is not a question of horse-trading but a question of implementing the Agreement which is an integrated whole. So, I am prepared to discuss article by article with the Special Advisor. But it is also important, if we are to make progress, that the Special Advisor understand existing realities.

I think he [Mr. Engel] has a speech of his own which he gives on every occasion, which is not necessarily a translation of mine. Because it seems to me it takes him longer to translate than for me to speak.

But I agree with Le Duc Tho that a new period of our relations started with the Agreement and we should both go through the Agreement and see what we can do to bring a constructive outcome to the Agreement.

Le Duc Tho: I agree.

Kissinger: So let me give you this memorandum [Tab A] and let me set up this new memorandum. We follow essentially the presentation the Special Advisor made yesterday, separating out those things which the DRV and the US can agree to do jointly from those matters which the two South Vietnamese parties must carry out.

So in the first part of this Memorandum of Understanding we list obligations we take toward each other. For those which related only to the US for those we have given specific time periods.

The second part of the memorandum deals with those matters which the South Vietnamese parties could take. We express those as matters which the US and the DRV agree should be taken and will recommend urgently to the two South Vietnamese parties.

We are prepared to have an additional understanding with you that “recommending urgently” means maximum pressure—maximum influence.

And then there is a third part, which is just one paragraph, in which the US and DRV agree with each other that they will cooperate closely about the fate of the missing in action and the remains of prisoners. [Mr. Kissinger hands over two copies of the Memorandum of Understanding, Tab A.]

Le Duc Tho: Mr. Kissinger, let me comment on what you have just said. Yesterday I divided the problem into categories, first, the problems regarding NVN and secondly to SVN, with a view to pointing out the major problems to which we have to pay attention and sort out. It was not for a purpose of dividing these problems into those two categories meaning that the US will be responsible for some problems and not responsible for other problems. I think that all the articles of the Agree-

ment make a complete whole, closely linked one to another. Of course, there are problems which fall under the main responsibility of the two South Vietnamese parties, for instance the political problems. But we both have common responsibility to ensure strict implementation of the Agreement. Therefore, the responsibility for strict implementation of the Agreement is the responsibility of all four parties to the Agreement.

Suppose now the DRV solved with the US a number of problems, but on the other hand in South Vietnam the present situation goes on and the war goes on; then what solution can we arrive at? I wonder whether we can establish normal relations with each other while the war continues in South Vietnam. Therefore, I mean the responsibility to discuss the problems here and ensure strict implementation here is the responsibility of all, of every party. Of course, there are problems such as the political problems. This problem is under discussion between the two parties of South Vietnam. But we cannot be just bystanders to developments in South Vietnam; and practically, we cannot be bystanders. Therefore, in my view, all the problems covered by the Agreement are closely linked to one another and we have the responsibility to strictly implement all the provisions, and we also have the responsibility for the bad development of the situation. We have to bear the responsibility for the bad situation.

Kissinger: That is what we have been trying to tell you for three months.

Le Duc Tho: I mean that there are some problems that will be solved between the two South Vietnamese parties but we have responsibility for those too. But on the other hand, there are questions that we have to directly bear the responsibility for, too, for instance the question of the war in South Vietnam. If now the war goes on in South Vietnam, then you will want to continue to give military aid to the Saigon Administration and we will continue to give assistance to our friends. But on the contrary, if the war ends in South Vietnam, then the question of implementation of Article 7 no longer arises.

Therefore, there are problems for which we have direct responsibility but there are other problems which we also have responsibility for but come under the direct responsibility of the two South Vietnamese parties. Therefore, our approach to the problems still differs. So my division of the problems is based on the problems facing North Vietnam and South Vietnam. It is not a division on the basis of division of responsibility.

Kissinger: Mr. Special Advisor, I agree with you in your basic approach. I agree that the various articles of the Agreement are organically related. I agree also that we are here to bring about the implementation of all of the articles, and not just some of them. I agree also that

the normalization of relations between our two countries, if the war starts up again in South Vietnam, will be impossible. And, therefore, I agree a ceasefire in South Vietnam is one of the principal objectives of this meeting. Finally, it is true that the DRV and the US have a special obligation and that all signatories of the Agreement have a responsibility to see that it is being implemented. So I have no difficulty with this part of the Special Advisor's presentation.

However, in expressing the responsibility a different form of words had to be chosen for the different categories. But it is clear that a responsibility exists. But I can assure the Special Advisor that we have every intention of bringing about the implementation of whatever we bring about here. And it is clear that it is not possible for either side to pick out only those parts of the Agreement that it wants to see implemented.

So perhaps what we should do is go through this point by point and see where we agree and where we disagree.

Le Duc Tho: Yes, I agree with the point you raised yesterday and we will discuss it point by point. The paper you have just given us, we will have it translated and study it later. Now let me first express my views. And after reading the paper if I have anything to supplement my statement, I will give it to you later. But I still think the concrete points are still in the dots.

Kissinger: The point is that we will fill in the blanks together.

Le Duc Tho: So I will fill the blanks and you will look at it.

Kissinger: That's fine.

Le Duc Tho: But the points I am raising will be agreed to by us, maybe not.

Now, regarding Article 2, first regarding the reconnaissance flights. I propose that these reconnaissance flights be immediately stopped without condition. There is no reason to await the completion of these meetings to stop them. There is no reason while we are sitting here for the US aircraft to fly over the DRV, a sovereign country. Because if these flights continue, of course, we have to take countermeasures for the sovereignty of our country. We will have to shoot at the aircraft and maybe the conflict between our countries will start again. We may hit the plane or capture the pilot, and it will be a contentious problem. You said you would punish pilots who intrude.

Kissinger: There are two separate problems. We said we would punish those who intruded without authorization; we cannot punish pilots who intrude with authority.

Le Duc Tho: Of course. Naturally the pilots who transport the ICCS personnel—so you order the pilots to fly reconnaissance over the DRV?

Kissinger: [Laughs] There are two separate problems. I could say they were delivering civilian goods to our aircraft carriers. But I think

the Special Advisor knows the circumstances. But why don't you go through all your points and then I will reply.

Le Duc Tho: It is another question about the civilian planes transporting the members of the ICCS, or the liaison or communication of the ICCS.

The second question is the mine clearance operation. Yesterday I told Mr. Advisor that you have been protracting too much these operations. Your equipment is very modern but your efficiency is very little.

Kissinger: [Aside] That's probably true!

Le Duc Tho: I can say that the efficiency is probably greater by our rudimentary means and by our two hands. Frankly speaking to you, there are the waterways in which you have not removed any mines, and we did, and boats have been sailing. This is one thing astonishing to many people, and they know it. Therefore, I propose, in order to speed up the mine clearance operation, you should call back the mine clearance forces within 2–4 days and the mine clearance operation should be completed within 20 days. And these time limits are counted after we finish these meetings.

Kissinger: In other words, you cut in half the time limit we proposed.

Le Duc Tho: It is the first time I learn what you proposed. It is too long, the 40 days. And after completion of the mine clearance in each channel, then the U.S. should make an announcement, and when all of the operations are completed then a general announcement should be made.

Kissinger: Our Navy is very efficient at that. [Laughter] They love to make announcements. I accept that condition right away.

Le Duc Tho: Yes, when you were laying the mines, it was very rapid. But when you remove the mines it is very slow. Regarding the mines you laid in rivers, I propose that you should hand sufficient means to our people and we will do it ourselves.

Kissinger: If you don't ask for one-half of our Navy as adequate equipment, two aircraft carriers.

Le Duc Tho: For waterways that equipment is not needed.

Kissinger: I think it is a reasonable proposal.

Le Duc Tho: So this is our proposal regarding mine clearance. Now, regarding Articles 2 and 3. As I told you, Mr. Advisor yesterday, since we signed the Agreement the shooting never stopped. It is because the Saigon Administration never ceased their encroachment operations, their mopping up operations, their police operations. And faced with such military operations by the Saigon Administration then the Provisional Revolutionary Government has been very resolute in striking back. Therefore, the war has never stopped in South Vietnam. And

what is more serious, on May 9 and 12 your aircraft bombed Loc Ninh region. Therefore yesterday I put the question to you as to if this situation continues then what it will lead to. And Mr. Advisor, you should understand if the Saigon Administration continues these military operations with U.S. backing and encouragement, then the South Vietnamese people will be resolute in fighting back these things, and you understand that in the military field we have never been on the defensive. We will never remain in the passive defensive position, militarily speaking. Because, militarily speaking, passive defensive position means to go backward. So if this situation continues, we will resolutely fight back.

Kissinger: I thought we were going to conduct these meetings without pressure and threats.

Le Duc Tho: No, we are not making pressure. Because right now the Saigon Administration is making many offensives. As I told you yesterday, each war has its laws. We have never resorted to threats, and speaking straightforwardly, over the past years you have often resorted to threats against us. But our people are not intimidated by threats. Therefore, in our view in our interest there must be immediate ceasefire.

Kissinger: I don't think you are in any danger of falling into passive defense, because there are no foreign troops on your territory but a lot of your troops are on the soil of many other countries. The question is whether you consider the existence of opponents as a threat to you and you therefore take countermeasures, or whether you are willing to work out a pattern of co-existence.

Le Duc Tho: You mean the Laos and Cambodian questions?

Kissinger: No, I just have the impression, based on the history of the last 10 years, that there are more NVN troops elsewhere in Indochina and no other troops in NVN. But that may just be based on a misreading of history.

Le Duc Tho: In fact, your historical conception is wrong. Because this is basically two different historical questions. I think we should not indulge in such a debate because we have had this debate over the past 10 years.

Kissinger: Well, in any case, we have agreed that a ceasefire should be established in South Vietnam, and we should not discuss the consequences of offensives because that would be serious for both sides.

Le Duc Tho: Now, my concrete proposals, how to bring about a ceasefire. I propose, first the DRVN and the US will issue an appeal to the two South Vietnamese parties to put an immediate end to the hostilities and to strictly abide by the ceasefire provisions laid down in the Paris Agreement and in the Protocol on the Ceasefire. Secondly,

the two South Vietnamese parties should issue an order as to the ceasefire, jointly issued orders. Parallel.

Kissinger: Parallel. Each separately, but a common text at the same time.

Le Duc Tho: Yes. The two South Vietnamese parties will issue jointly the same order.

Kissinger: Parallel. Each on its own, but with the same text.

Le Duc Tho: No, I mean a joint order of ceasefire. A joint order.

Dr. Kissinger: What is a joint order?

Le Duc Tho: A joint order of ceasefire signed between the two parties. Let me explain our proposal and you will see.

Dr. Kissinger: On separate pages maybe.

Le Duc Tho: We will discuss it. The two South Vietnamese parties will issue a joint order of ceasefire 24 hours after we come to an agreement here. Twenty-four hours after the issuance of the order of ceasefire, then there will be a ceasefire through South Vietnam in keeping with the provisions of the Paris Agreement and protocols. Then 24 hours after the ceasefire comes into force, then the armed forces of each party will return to the positions they occupied before January 28, 1973. Then the commanders at all levels of the opposing armed forces in positions of direct contact will meet, 24 hours after the ceasefire becomes effective. Then 24 hours after the ceasefire becomes effective, the Two-Party Joint Military Commission will discuss the modalities for troop stationings and the corridors, the routes, and other regulations for movement of military means for each party.

Now, regarding Article 7.

Dr. Kissinger: Let me write this down first. I can't complain that you are not concrete enough.

Le Duc Tho: Regarding Article 7. It is your matter of concern and it is mine too.

Dr. Kissinger: I know now that the Special Advisor is going to say 24 hours after the understanding that foreign troops are going to leave Laos, because he has focussed on 24 hours. I can feel it.

Le Duc Tho: [Laughs] There have been provisions for this in the Agreement on Laos and Cambodia and we will abide by the provisions on Laos. Now for Article 7. It is a matter of great concern to yourselves and it is a matter of great concern for us too.

Dr. Kissinger: Right.

Le Duc Tho: If you say that after the ceasefire we have introduced armaments and war material into South Vietnam, then I can tell you your intelligence service is not efficient. When we introduced armaments into South Vietnam in the past, you said that your intelligence

service told you there was nothing. And when we stopped introducing armaments your intelligence service affirmed that there had been war material introduced into South Vietnam. I still remember the military operation along Route 9 in southern Laos. Your intelligence service did not realize the network of anti-aircraft guns that had been set there, and then when the operation began, your intelligence service said it was the thickest network of anti-aircraft guns, even thicker than in World War II. And then in the operation in 1972 your intelligence service did not think that there were so many tanks and armored vehicles. And in wartime your intelligence service was also more active than since the restoration of peace.

Dr. Kissinger: I must say, with all due respect to the Special Advisor, that the fact that we do not always find what we think you put into South Vietnam does not increase our sense of security. From the fact that we don't find anything, what I would deduce is that on top of what we do find there is a lot more we have not been able to find. [Laughter]

Le Duc Tho: Now let me point out another thing to let you know what I mean. Now we no longer introduce war material in South Vietnam. And your intelligence service reported we have introduced a great amount of war material in South Vietnam. I can say that the PRG has now a sufficient reserve in case the Saigon Administration launches offensive attacks against the PRG. Moreover, we think it is not necessary to introduce war material in South Vietnam now because the maintenance of the war material in South Vietnam is more difficult. It would be damaged. If the war continues, or breaks out, then there is no reason that we do not assist the PRG. And we do not introduce war material when there is no longer war. So the important question is how to stop all hostilities, to observe a ceasefire, then the question arising from Article 7 no longer exists.

Dr. Kissinger: Let me repeat, because the Special Advisor's mind is so agile that I have difficulty following him. I have understood him to say that the DRV has not introduced any military equipment in the last three months. Is that right?

Le Duc Tho: You are right. But your intelligence service has been mistaken.

Dr. Kissinger: I understand that point of the Special Advisor. I am afraid someone has just stolen 350 tanks and have just driven them down the Ho Chi Minh Trail—probably they will sell them on the black market in Saigon. [Laughter] Secondly, the Special Advisor has said that under conditions of a ceasefire there is no reason to introduce any equipment.

Le Duc Tho: You are right.

Dr. Kissinger: Because even though nothing has been introduced, there is now so much down there it is not necessary to bring more

down. So, if I understand the Special Advisor, he is saying that the DRV will do exactly in the next period what it has done in the last period.

Le Duc Tho: You are right.

Dr. Kissinger: And if that is the case, there is no reassurance to us whatsoever.

Le Duc Tho: Are you finished, Mr. Advisor?

Dr. Kissinger: Yes. I am just trying to understand the subtleties of this presentation.

Le Duc Tho: First of all, I would like to point out your intelligence service sometimes mistakes an elephant for a tank. [Laughter]

Dr. Kissinger: Are you pumping water through your oil pipeline now so your elephants have enough to drink? [Laughter]

Le Duc Tho: Maybe you have mistaken this; you have seen it wrong. But I think you understand also that, militarily speaking, in military operations the PRG must have some reserve. So now if the Saigon Administration continues its military operations, this reserve will be sufficient to cope.

Dr. Kissinger: And you think under those conditions that our intelligence service will improve? That we will be more reassured, less nervous?

Le Duc Tho: But your intelligence service is often confused.

Dr. Kissinger: But you will contribute to ending its confusion? The mass migration of elephants will stop? You will do your utmost to keep all the elephants in northern Laos?

Le Duc Tho: When the elephants are hungry and thirsty, they must look for food and drink!

Let me speak specifically. Militarily speaking, the PRG must have some reserve in their operation; the reserve is sufficient to cope with operations by the Saigon Administration wants to continue the war. If the Saigon Administration continues their military operations and the hostilities continue a developing war, then there cannot be any prevention of aid to the PRG, because the Saigon Administration has scrapped up the Paris Agreement. It is something evident. If there is no war it is no use to introduce war material. Because if they are introduced in great quantities and stored in jungles, they will be damaged; maintenance conditions are not so good as in North Vietnam. Therefore we have no need to introduce more war material in South Vietnam.

Therefore, in our view we must put an end to the war and then Article 7 no longer arises. You will stop all additional introduction of war materials into South Vietnam and so do we. No need for them.

Dr. Kissinger: But you haven't introduced any anyhow.

Le Duc Tho: In fact we have not introduced, but if the war continues because of the Saigon Administration . . .

Dr. Kissinger: But the Agreement provides for the fact that equipment which is damaged, worn out, and so on, can be introduced as replacements, under international control.

Le Duc Tho: I will come to that provision. In order to insure strict implementation of Article 7 by the U.S. and by the DRV the best method is to observe a ceasefire and the best method is to put an end to all hostilities. Then there will no longer be complaints on both sides. It is the most realistic way to solve the problem. And when peace is restored, then you and we will introduce only civilian aides.

Dr. Kissinger: No, plus military equipment permitted as replacements under the Agreement—which assumed that peace would follow. You are trying to amend the Agreement.

Le Duc Tho: No. We do not amend the Agreement. Article 7 forbids introduction of weapons but allows replacement of armaments.

Dr. Kissinger: Right.

Le Duc Tho: We will come to that later. So 24 hours after the ceasefire comes into force, the Two-Party Joint Military Commission will discuss the determination of the points of entry for each party as well as the corridors leading to and from these points of entry. They will decide also the modalities for controlling the replacement of the armaments. I propose that the points of entry may be changed by either party when necessary, and neither party will attempt to annex the point of entry of the other party. The discussions of all these questions should be completed within 15 days. After the agreement on the above questions is reached, then the Two-Party Joint Military Commission will deploy its teams to carry out its missions, along with the ICCS teams.

By the way, I would like to remind you of the understanding between us regarding the civilian personnel serving in the military branches. Under this understanding most of these personnel must be withdrawn from South Vietnam within ten months, and they must be withdrawn within 12 months. You often forget, so I have to remind you!

Dr. Kissinger: It is integrally related to other parts of the Agreement.

Le Duc Tho: Exactly. Now, regarding Article 8, we have been lengthily expressing our views in our negotiations over this question. You have made a promise to me in this connection. I wonder if you still remember your promise; if you do, there is no need for me to remind you.

Dr. Kissinger: But I know the Special Advisor. You will do it anyway, just to make sure.

Le Duc Tho: I know you are always dreaming of the question. I think that your promises should be carried out. Now the 90-day period is over, then we have to set a new time period.

Dr. Kissinger: Twenty-four hours?

Le Duc Tho: I hope that this time we set a time period it will be the last, and that there is no need to set a time period for the third time.

I propose that there will be an immediate return of all Vietnamese military personnel and Vietnamese civilian personnel still being held in custody no later than 30 days after we agree here. Regarding the military prisoners, according the list given us in Paris here, there are still 242 prisoners who have not been returned. And, moreover, there are still 10,000 military prisoners of the Saigon Administration alleged to have rallied to the Saigon Administration but in fact the Saigon Administration is still holding them in custody, so it is a violation of the Protocol.

Regarding the military prisoners captured on Route 9 in southern Laos before the signing of the Agreement, I told you that the prisoners of war captured in each battlefield comes under the competence of the commander of each battlefield. As for the DRV, we will return only the American prisoners. As to the civilian prisoners that the Saigon Administration had alleged we are holding, there is a big number of them, but in fact this is not true. Because in the PRG region there cannot be conditions to have so many prisoners and jails. Moreover, when we captured them we release them right afterward.

Dr. Kissinger: If you release them right afterward, why do you capture them?

Le Duc Tho: Because we have no accommodation to keep them in custody. Also the food is difficult.

Dr. Kissinger: Then why do you bother to capture them?

Le Duc Tho: They have committed a crime and therefore we have to capture them. But the question of their food is not easy and moreover, we do not have prisons enough to keep them. The question of food supply for our troops requires a lot of efforts on our part. It is only a pretext they invoke to delay the return of civilian prisoners.

Dr. Kissinger: I must say the Special Advisor never ceases to astonish me. But I always learn. It is a new approach to criminal justice that you arrest people who have committed a crime for the specific purpose of setting them free.

Le Duc Tho: There are two jurisdictions. Your jurisdiction is different from ours. You see, in our jurisdiction we capture them, educate them, and release them. As for your jurisdiction, you capture innocent people, you torture them morally and physically. So these are two different jurisdictions. So you are not aware of this.

Dr. Kissinger: Well, we have had a few prisoners who were aware of your jurisdiction.

Le Duc Tho: Let me come to that. As to the detention regime, I should say some words, because I can say myself from some 10's of years I have passed through almost every prison of the French and I can say that the detention regime under the French also were not so brutal or harsh as those in the Saigon Administration built by the U.S. I have talked to some of the prisoners. I was a prisoner myself [but] it was unbearable for me to hear their stories. I have also been in Germany and saw the fascist detention camps there, and I have also listened to the stories told by former prisoners. I can tell you it is no comparison with any prisons throughout the world with Saigon. The prisoners are tortured both morally and physically. Even Mr. Vu Van Mau, a member of the Saigon Administration, a few days ago had to say that the statement made by Nguyen Van Thieu that there are no political prisoners in South Vietnam and no prison for political prisoners—this will make Nguyen Van Thieu as harsh as with Hitler. I can't imagine such treatment between human beings and human beings.

You promised me the detention regime would be improved. But so far there has been no improvement at all.

So it has been laid down in the Agreement and the Protocol that there must be a promulgation of the Agreement and Protocol to every prisoner. But when the prisoners are returned to us, not a single man is aware of the provisions of the Agreement and Protocol.

So far there has been no inspection of the prisoners by the Red Cross Societies. And you are aware of what treatment we have given to your American prisoners. The American officers who came to receive the prisoners were satisfied with the prisoners and when the prisoners were checked at Clark Base they said they were in good health. But if you could see some of the prisoners in Saigon returned to us, you would see they are mere skeletons with skin.

Dr. Kissinger: I don't make a point of this—I don't know what you did in the last 30 to 60 days before their release, but I have talked to enough of the prisoners who returned so I don't want to listen here to the argument that they were treated well.

Le Duc Tho: You are not right. But it is reliable evidence when you see the American prisoners, what state of health they are. If you could see some South Vietnamese prisoners then you could make a comparison if you have a conscience. I think that only conscienceless people do not realize the truth.

So I think that this regime of detention cannot continue. There are American religious people who visited South Vietnam and what they

said about the prisoners in South Vietnam I told you at great length on this question in our negotiation. I think you understand the feelings I have on this question. Therefore if this question remains unsolved in South Vietnam, it will be a major question. Many organizations in South Vietnam and international organizations have raised their voice with this subject. No one can tolerate the continuation of such a situation.

Now let me come to Article 11 and 12.

The two South Vietnamese parties have been meeting for a couple of months without settling. The positions of each party are still opposing. The proposals made by the Saigon Administration, it can be said that they are upside down. When the war is still going on, when democratic liberties are not enforced in South Vietnam, and a proposal is made regarding the organization of general elections with a fixed date, it is a mere deception. The war is still going on; there are no liberties; the population is under coercion. And then the general elections are proposed as the first step. Under such conditions there can be no democratic and free elections. So then the proposal of the PRG is as follows: First, put an end to hostilities.

Second, enforce all democratic liberties provided for in the Agreement, and these democratic liberties must be enforced immediately after the signing of the Agreement. And only in such conditions are free and democratic elections possible, because then the people can freely express their views. And when the democratic liberties are enforced, then the National Council for National Reconciliation and Concord will be set up, and only in such conditions can free and democratic general elections be organized.

So the proposal made by the Saigon Administration is only for the purpose of making a proposal. It is not in keeping with the Agreement. Therefore, we propose now that after the ceasefire is observed in South Vietnam, then the democratic liberties must be enforced, and within 30 days the National Council of National Reconciliation and Concord will be established. And then the two parties will agree upon the time for the organization of the general elections.

I think that you and I, the US and the DRV, are responsible to ensure the correct implementation of this problem between the two South Vietnamese parties. Only in this way can we ensure lasting peace in South Vietnam.

I would like to add this point to you. I would like to add that now the present system in South Vietnam under Nguyen Van Thieu is a very harsh system, a fascist system. And if this situation continues I think that the war will continue in South Vietnam. Nguyen Van Thieu has stated that he would continue the pacification operations, that he

continue the war. Yesterday it was reported that he dissolved all political parties. And only Nguyen Van Thieu's party remains.

Dr. Kissinger: That will distinguish the situation in South Vietnam from that in North Vietnam.

Le Duc Tho: It is completely different. It is two different conceptions, you and I. If you think it is a new situation, if you want to follow a new policy, then this situation in South Vietnam cannot continue forever. There must be a democratic process to change this situation. If you have a new policy, then the old people are no longer suitable for the new situation. This is what I would like to add to my statement. It is up to you to decide.

Now I come to Article 17.

Dr. Kissinger: 14 and 15 you think are satisfactory, I suppose.

Le Duc Tho: I base myself on the points you raised yesterday.

Dr. Kissinger: I raised Article 15.

Le Duc Tho: Article 15 you referred to comes under Article 7 as I have mentioned.

Regarding Article 17, regarding the Two-Party Joint Military Commission, you are aware of numerous events happening to the Four-Party Joint Military Commission. I referred to them yesterday. So the obstacle to the activities and deployments of the Two-Party Joint Military Commission stems from the events happening to the Four-Party Joint Military Commission. So therefore I agree with you that the Two-Party Joint Military Commission should apply the eleven points on immunities and privileges agreed to by the Four-Party Joint Military Commission, and then the Two-Party Joint Military Commission may still discuss some additional points still lacking.

Then as to the headquarters of the Two-Party Joint Military Commission now situated at Tan Son Nhut, they should be shifted to Saigon or to the border between two zones of control. And then the site of the headquarters of the Two-Party Joint Military Commission should also be at the border of two zones of control.

Dr. Kissinger: All the teams should be at the border?

Le Duc Tho: All of them.

Dr. Kissinger: Every Two-Party team should be at the border?

Le Duc Tho: Except the teams at the point of entry.

Dr. Kissinger: That is an interesting conception. What are they going to do at the borders?

Le Duc Tho: They will carry the activities in their zones of authority, in the region coming under their authority. We mean here the site of the team. Then after the ceasefire becomes effective, after agreement is reached on the sites of the teams and on immunities and privileges,

then the teams of the Two-Party Joint Military Commission be deployed.

Dr. Kissinger: To the borders. To the interzonal frontiers.

Le Duc Tho: The border between the two zones of control. It is the site of the teams. The areas of activity are decided in keeping with their missions. The purpose is to avoid the misdeeds committed by the Saigon Administration.

Article 18, regarding the freedom of movement and liaison between the ICCS teams, I think they must abide by the Article 18 and Article 10 of the Protocol.

Dr. Kissinger: What does that mean? That they can be shot down?

Le Duc Tho: If they go around any old way, then it is difficult to avoid being shot down.

I propose a little break, because I have been talking for two hours.

Dr. Kissinger: You are still trying to torment me with Article 20. I know 24 hours afterward he will leave Laos and 24 hours after that he will leave Cambodia.

Le Duc Tho: I propose a break so that I can speak more lengthily after I resume. And you will be prepared to listen.

Dr. Kissinger: I will await with enormous anticipation. I appreciate the spirit of goodwill.

[The meeting recessed briefly, from 5:07–5:43 p.m.]

Le Duc Tho: Mr. Advisor, please let me now speak about the Laos and Cambodia questions, that is, Article 20, that you are greatly concerned about.

Dr. Kissinger: I am glad that Article 19 is accomplished.

Le Duc Tho: Then I will speak about Article 21. And I would like to propose that after my presentation we should adjourn, so that you can consider my views and I can consider your views that you have just handed to me. And tomorrow we will make comments.

Dr. Kissinger: Good.

Le Duc Tho: With regard to Laos, I can say that it is thanks to the effort and the goodwill on both sides to discuss and agree with our respective allies, we have brought about an early ceasefire in Laos and we have set a date for the withdrawal of foreign forces in Laos. Now the two Lao parties are discussing the two protocols on the political problems and on the military problems.

Dr. Kissinger: On the few occasions when the Pathet Lao negotiator comes to Vientiane.

Le Duc Tho: They are now available in Vientiane.

Minister Thach: For over two weeks now.

Le Duc Tho: To my knowledge they had to exchange their views among themselves. The protocols take some time.

So I think it is your wish and our wish to see the discussions between the Lao parties be completed promptly and to bring about a political solution between the parties so that Article 20 of the Paris Agreement can be implemented. And to my knowledge they have achieved certain progress. But of course there remain problems they will take some time. And on other questions, they think that the Vietnamese people attempt to protract the discussions.

Therefore, in order to implement Article 20 of the Paris Agreement and Article 4 of the Agreement on Laos, you and we have the responsibility to push our respective allies to come to a settlement in keeping with the Agreement on Laos. The time limit of the Agreement on Laos is that they must settle the political problems within one month, the formation of the government within one month. Therefore, I think that we should discuss with our allies so that they come to agreement as soon as possible, but not later than one month from our agreement here.

Dr. Kissinger: From now?

Le Duc Tho: From what we agree here.

Dr. Kissinger: But we really agreed to that in February.

Le Duc Tho: But it is the same as with the Agreement on Vietnam. There are many time limits that have been passed. As on the agreement on Vietnam, we need to discuss again and set new time limits.

Kissinger: It is bad enough that the Special Advisor gets all the biggest buffalo, but when he sells them twice and three times, that is too much. It reminds me of December, when the Special Advisor sold the same thing every other day.

Le Duc Tho: [laughs] It was Ambassador Sullivan who put so many prices . . .

Kissinger: In December? Let's just be specific. For example—since the Vice Minister seems to be an expert on Laos while Cambodia seems to be the province of Le Duc Tho—the Pathet Lao raised the question of the Vice Premiership when it had been agreed there would not be one, and raised the issue that the political and military protocols should be linked together when it had been agreed that there would be a military solution first and then discussion of the political questions. So it is really your side that has raised new conditions since the agreement of February 23.

Le Duc Tho: I think that if now we go into specific problems of Laos, it would be difficult. Moreover, we can't settle them here. It belongs to the Lao parties to settle there. But I propose the following: After we settle here, after one month the U.S. and the DRV will endeavor to discuss with our respective allies so that they settle their political

problem as soon as possible, but no later than one month after we reach agreement here, in accordance with the Laos Agreement.

Kissinger: How many articles do I have to sell you for fifteen days? It is like the old days of December.

Le Duc Tho: The period of buffalo trading is over now.

Kissinger: Now it is an ultimatum! We have progressed from buffalo trading to ultimatums. Well, we will discuss it tomorrow.

Le Duc Tho: Let me finish. So this is what I have to say about Laos.

Now we come to the difficult problem of Cambodia. It is a question difficult not only for you but also for us. I don't speak about your difficulties, but I will explain our difficulties. On many occasions I told you that since we have peacefully settled the Vietnam problem with you and since we have contributed to the peaceful settlement of the Lao problem, it is our desire to contribute to the peaceful settlement of the Cambodian problem. The Cambodia question, it is a complicated question, on many aspects. And it is not we who can decide the question; we have to respect the sovereignty of our allies and friends. Before my coming here, Prince Sihanouk has stated that Vietnam has no right to settle the Cambodian problem. As for you, you are still unwilling to speak to the Cambodians. So therein lies the difficulty of the problem.

And I add to the statement of the Prince: He also stated he also said that after the cessation of the bombing in Cambodia and after the cessation of aid to the Lon Nol administration and after the withdrawal of the non-Khmer forces—these are his conditions—so it is Prince Sihanouk's desire that not only your troops but also the so-called Vietnamese troops, he doesn't like these troops present.

Kissinger: He didn't like it before when they were present. His capacity to effect his wishes is less than his capacity to make speeches.

Le Duc Tho: Now the situation is different. I would like to point out, so that you will have a correct judgment of the situation in Cambodia. When you staged the coup in Cambodia, you misjudged the situation in Cambodia.

Kissinger: Mr. Special Advisor, I have told you a hundred times, I was as surprised as you by the coup. I thought Sihanouk had staged it. I thought Sihanouk had staged it to bring pressure on you.

Le Duc Tho: [laughs] So, I am also astonished about your statement that Sihanouk himself had staged the coup!

Kissinger: Quite honestly, I thought he had staged it because he was going to Moscow and Peking and it would show unhappiness with Hanoi. I thought he would then come back a popular liberator. I didn't think Sihanouk was a protege of the Special Advisor.

Le Duc Tho: [laughs] So you have misjudged the situation of Cambodia then. Now the question of who staged the coup, we will let to history to decide.

Kissinger: Maybe you staged the coup. [Laughter]

Le Duc Tho: But I think you know better than anyone else about who ordered the coup.

Kissinger: No.

Le Duc Tho: So the situation of Cambodia has changed, and I think that you are still misjudging the situation in Cambodia. In fact, there is at present no division of the PRG on Cambodian territory.

Kissinger: How about battalions?

Le Duc Tho: Now the Cambodian fighters, they carry out themselves the fighting there. As to their equipment, most of it is transferred to the troops by Lon Nol troops. You are right when saying there are Vietnamese battalions, but they are very few. But these are Vietnamese residents. You should remember there are a half million Vietnamese nationals in Cambodia. And you should remember how the Lon Nol Government massacred them. The Vietnamese nationals organized themselves into units. And I think you will remember . . .

Kissinger: May I ask for my own clarification. May I assume that Mr. Special Advisor means that the Vietnamese forces, being Cambodian will never withdraw from Cambodia?

Le Duc Tho: No. These are Vietnamese nationals. They do not belong to the PRG.

Kissinger: So they will never leave.

Le Duc Tho: If they are considered as non-Khmer troops they will be dissolved, but they do not belong to the PRG. But what you told me, about part of the logistical units it is true.

Kissinger: Of the DRV?

Le Duc Tho: Of the PRG. These units have been assisting the Khmer units. So Article 20 of the Paris Agreement stipulates that after a settlement of the Cambodian problem all foreign forces must be withdrawn.

Kissinger: No. With all due respect, Article 20 says foreign troops must leave Cambodia, and it doesn't say anything about after a political settlement.

Le Duc Tho: Let me finish my statement and I will answer this question of yours. But at present you are still helping the Lon Nol Government—your air activities—you are giving aid and assistance to the Lon Nol Government. So it is natural that the Vietnamese will assist their friends; the Vietnamese are helping them in transport questions, in logistic questions. As to their equipment, they are given them by foreign powers and transferred from Lon Nol soldiers.

Kissinger: But how does it get there?

Le Duc Tho: I have told you. We help them in transporting it. There is a solidarity between the three Indochinese peoples. But since the Paris Agreement, this transportation has stopped.

Kissinger: So it's all going into South Vietnam now?

Le Duc Tho: I have presented to you about Article 7. And Prince Sihanouk openly spoke about this question.

Kissinger: But Sihanouk openly speaks about so many questions, it is hard to know what it is.

Le Duc Tho: So you are reluctant to talk to Prince Sihanouk because you are afraid he will talk all the time.

Kissinger: Life is too short. [Laughter] You used me as a means to shorten his visit to Hanoi.

Le Duc Tho: No. He wanted to avoid talks in Hanoi. He wanted to talk in another place. You understand.

Kissinger: If you had kept him there, we could have fought for that big bedroom. [Laughter]

Le Duc Tho: So this is the complexity of the situation.

Kissinger: And what is the solution?

Le Duc Tho: Now, if a settlement is to be found, now I think you should talk to Sihanouk and the Khmer resistance. And we do hope to see that such discussions happen, and settle the question. I think since you have settled the Vietnam problem, and the Laos problem I think you will find means to settle the Cambodian problem. So we expect to see the settlement of the Cambodian problem, and Article 20 will be strictly implemented. Therefore, I think it is not realistic if you propose an immediate ceasefire and the immediate withdrawal of foreign troops. Even for Laos, only after negotiations, after the ceasefire, then the problem of withdrawal of foreign forces are posed. Even for the Vietnam problem.

So I have explained on many occasions this question. We do want, we earnestly want, to contribute our part to the settlement of the Cambodian problem but we can't do it by ourselves. But we always think that we will contribute—we will endeavor to contribute our part—to the peaceful settlement of the Cambodian problem, by discussions, by exchanging views with our allies. But the decision will be theirs. To solve the problem, or not to solve the problem, it is up to them. At most we can contribute our views to them. But whether they listen to them or not, we cannot decide. But this question is complicated in many aspects. I have explained this on many occasions. I think you understand the problem. You will find out ways to solve the problem. As for us, we will do our utmost to contribute to the peaceful settlement of the problem. And when a settlement is reached, we are resolute to respect Article 20.

In a word, the Cambodian problem is complex question and you should realize the situation. You should correctly assess the situation and discuss with the parties, and then the question may be settled.

I know it is a matter of your concern. Before we concluded the Agreement on Vietnam and when you visited Hanoi, you raised the question. But we can't settle the question. And finally we came to an understanding on this question. So in brief, please understand our difficulties. It does not mean that we don't want to settle the Cambodian problem.

Now let me address Article 21. Regarding Article 21, we are of the view that you dragged on the discussion and now you have interrupted the discussion. I think that the healing of the war wounds and the reconstruction of Vietnam is an obligation of yours, and beneficial to both parties. You should not link this question to other questions. Therefore, I propose that after we reach agreement here the Joint Economic Commission should resume its meetings by the end of May, and complete its own within ten days. According to your proposal the Commission should finish its work within fifteen days. We propose ten days.

Kissinger: I thought we said three weeks. No, we didn't say anything. Oh, during the JEC talks.

Le Duc Tho: Previously you proposed two weeks. But whether seven days in advance, or seven days late, it doesn't matter. If you propose two weeks, and I propose ten days, five days more does not matter.

Kissinger: Peace has made the Special Advisor mellow. It's a big concession. [Laughter]

Le Duc Tho: And moreover, there are a number of projects we envisage in the five-year plan. I think we should come to an agreement. Because these projects meet our needs in developing our industry and agriculture. According to the U.S. side, these projects depend on our capability to receive such projects. I think this is contrary to our previous agreement that the projects should respond to the needs of our developing industry.

Kissinger: What projects are you talking about?

Le Duc Tho: I have a number of projects I will give to you. And it is mentioned in President Nixon's message to our Prime Minister that the aid is based on the respect for our sovereignty, and the projects carried out in the DRV will be carried out under the direction of the planning section of the DRV side. But you put forward a number of regulations and modalities that are contrary to the spirit of the agreement. I think that this should be discussed again.

Now about the prices of the commodities supplied to us and those supplied to us and the projects. The prices by you are too high. [Laugh-

ter] I think these prices should be reduced to the international market price.

I just mention this to draw your attention to it. And the JEC will further discuss these questions. I just would like to add these few points because in fact they have attained certain progress in the Economic Commission.

I think now, finally, if both sides make a effort and come to agreement on a certain number of problems, then finally we can make a public communiqué. And besides the public communiqué, on a number of questions we can have understandings. And the understandings we may arrive at, you and I may sign the understandings. These are the few forms of resolution we might apply. I would like to raise these for your consideration so you can think it over. So, finally I would like to point out that we should endeavor that we should reach good results, that will lead to normalization of relations between our two countries. It is what both of us are longing for.

So I have finished my presentation. I propose that we should adjourn now and resume tomorrow.

Kissinger: I would like to ask the Special Advisor a question or two, and then make a comment, so he can put his subtle mind to work on it over night, and we can discuss it in detail tomorrow.

First, on the procedural question. Mr Special Advisor, if we sign a communique, do you envision a short one or a long one that covers every point we discussed?

Le Duc Tho: I think that in the communiqué we would announce all the points that we have reached on which we reached agreement.

Kissinger: Then what is the understanding?

Le Duc Tho: If there are some problems and you find it better not to publish it, then we can have an understanding. Otherwise there is no need for an understanding.

Kissinger: And we sign both?

Le Duc Tho: It is up to you.

Kissinger: I am not arguing. I am just trying to find out your views. Communiqués are generally not signed.

Le Duc Tho: It is up to you. We will discuss.

Kissinger: So your idea is that we publish a communiqué?

Le Duc Tho: The points on which we have reached agreement.

Kissinger: Of course. And there may be some points, as in January, in which we reach a private understanding. As January.

Now, I will answer you tomorrow, but I must say that it is absolutely essential for us that a solution of the Lao and Cambodian problems coincide in time with our presentation to Congress. I think that

in his presentation of the Cambodian problem the Special Advisor showed uncharacteristic self-restraint, and I know he has greater influence over his three students who are managing things for Sihanouk in Cambodia than he is giving himself credit for.

Le Duc Tho: [laughs] You overestimate my influence. It is not conforming with reality. And you have not quite correctly assessed the situation.

Kissinger: But I think if the Special Advisor spends seventeen hours with Hou Youn, Khieu Samphan and Hu Nim, he would have a certain impact.

Le Duc Tho: I have not gone to Cambodia to meet Mr. Hou Youn and Khieu Samphan. I don't know physically the face of Hu Nim. But I did meet with Leng Sary; from time to time he comes to Hanoi, but he lives in Peking. But I think if you talk to him you will understand better.

Kissinger: I don't see why we should talk directly. We are prepared to arrange talks between this group and the Phnom Penh group and to have a settlement similar to the Laotian settlement.

Le Duc Tho: Tomorrow I will try to analyze your approach to the problem.

Kissinger: I simply would like you to think again about the fragility and impossibility of a situation in which the U.S. is told to bring about a total ceasefire in Vietnam but in which we are told that the two sides cannot even appeal to the two sides in Cambodia to bring about a ceasefire in Cambodia.

But I will reply to your other points tomorrow, and we will also discuss our paper. Should we meet at 10:30 tomorrow morning?

Le Duc Tho: I will have to consider your paper, so I propose the afternoon. I haven't perused it.

Kissinger: All right. Three o'clock.

Le Duc Tho: At your place?

Kissinger: Yes.

Le Duc Tho: I will return it again tomorrow. I have it translated.

Kissinger: Good, so we will meet tomorrow at 3:00. And if you want to bring your golf clubs, we can talk as we walk around the golf course.

Le Duc Tho: I am not strong enough to play golf now, and I don't know how to play.

Kissinger: I don't know very well either. I have been described as a non-practicing sportsman.

Le Duc Tho: You should make an effort with sports!

Kissinger: If I make an effort, will you make an effort? [Laughter]

Le Duc Tho: I have made an effort. I have much experience in gymnastics.

Kissinger: Oh, really? Running up and down the Ho Chi Minh Trail? [Laughter]

Le Duc Tho: Yes. When I was in my forties I went up and down it twice.

Kissinger: That is why he is so possessive about it.

Le Duc Tho: It is a matter of course.

Kissinger: Well, we shall meet tomorrow at 3:00 p.m.

[The meeting adjourned.]

59. Memorandum of Conversation¹

Paris, May 19, 1973, 3:12–7:25 p.m.

PARTICIPANTS

Le Duc Tho, Representative of the Government of the DRV
 Nguyen Co Thach, Vice Minister for Foreign Affairs
 Phan Hien, Ministry of Foreign Affairs
 Colonel Hoang Hoa
 Dong Nghiem Bai
 Pham Ngac
 Nguyen Dinh Phuong, Interpreter
 Two Notetakers

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 114, Country Files, Far East, Vietnam, Paris Memcons, May 17–23, 1973. Top Secret; Sensitive; Exclusively Eyes Only. The meeting was held at La Fontaine au Blanc, St. Nom la Bretèche. All brackets are in the original. The tabs are attached but not printed.

Kissinger commented in his message to the President that the talks had gone better at this meeting: "Today's session with DRV was a genuine working meeting, in which we appear to have made some progress towards an understanding. Le Duc Tho was in the mood for straight talk and went through the various items which were tabled in a generally constructive way."

Specifically, Kissinger continued:

"He [Le Duc Tho] tabled a draft communiqué and a ceasefire order which were written in extreme terms; but he backed off them in the give and take. I can now see the possibility of making a bridge between his opening position and ours. This will mean the probable emergence of a document which may lead to an enforcement of a ceasefire in South Vietnam, a precise date for a Laos withdrawal, but nothing concrete on Cambodia."

Indeed, Kissinger told the President: "The primary stumbling block I see in this [the path to an agreed text] is still Cambodia." Despite this, he concluded: "As of now, I feel it is possible we can produce a paper by Tuesday [May 22] which we will be able to define as a restoration of the basic Paris Agreement." (*Foreign Relations*, 1969–1976, vol. X, Vietnam, January 1973–July 1975, Document 53) That paper would be turned into the communiqué that would be signed at the next round of Paris meetings in June.

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
 Ambassador William Sullivan, Deputy Assistant Secretary of State for East Asian
 and Pacific Affairs

Ambassador Graham Martin, Ambassador-Designate to the Republic of Vietnam

Mr. Helmut Sonnenfeldt, NSC Senior Staff

Mr. George Aldrich, Deputy Legal Adviser, Department of State

Mr. William Stearman, NSC Staff

Mr. Peter W. Rodman, NSC Staff

Mr. David A. Engel, Interpreter

Mrs. Mary Stifflemire, Notetaker

Dr. Kissinger: I see that Mr. Thach got himself a lot of publicity yesterday. [Laughter] The Special Advisor told me that he had many comments to make about our memorandum [U.S. draft Memorandum of Understanding, Tab A], and I wonder whether he wanted to begin.

Le Duc Tho: Yesterday I expressed my views. Today I think that today you will make comments on what I said yesterday.

Dr. Kissinger: You just have to sign the last page, Mr. Special Advisor. Please.

Le Duc Tho: Yesterday I expressed all my views. I recorded them all in the paper. Now, I would like to hand it to you. Basically it is the same as what I said yesterday. That is the Vietnamese text as well as the English translation. [He hands over DRV drafts of Joint Communiqué, Tab B, and “joint decision” on ceasefire, Tab C.] I have given you two or three apiece.

Basically these are the same as what I told you yesterday, Mr. Advisor. You can comment on what I said yesterday.

Dr. Kissinger: Oh, we are back to . . . we need two different documents again. [Laughter]

Le Duc Tho: If there were only one document I would have signed the paper you gave me yesterday. Or you keep the paper I am giving to you today.

Dr. Kissinger: Let me just skim it quickly. [Reads] Well, I see they want to resume the Joint Economic Commission on my birthday.

Le Duc Tho: I don’t remember it, but it will be the better if it coincides with your birthday. It will give you better remembrance of the day.

Dr. Kissinger: I think there was a paragraph missing about Cambodia, that I know you had intended to put in. I am sure your typist made an error. Well, Mr. Special Advisor, let me comment about your paper.

We have pointed out—and I will go through your paper point by point. But I want to say first that we attach great importance to the organization of the paper which we have given you. That is to say, to list those issues that concern the DRV and the United States and then

to have an urgent recommendation as to the other issues that concern the two South Vietnamese parties, the entire document to be signed by our two sides and carrying with it an understanding as to its obligatory nature.

Now, with this qualification, let me now go through your proposals, point by point.

First, with respect to Article 2, aerial reconnaissance, pursuant to the proposal made yesterday by the Special Advisor, no reconnaissance activities will be carried on while these talks are continuing, and we agree to the cessation immediately upon the conclusion of the memorandum of understanding.

We cannot accept the last sentence of your proposal because all these provisions are linked to each other.

With respect to the second point [mine clearance], we agree with the principle. The number of days we gave you represented the best judgment by our Navy as to what could realistically be done. But I am going to check whether this was calculated on the basis of working eight hours a day or whether they could extend the number of hours which they are working. And in that case we may be able to reduce the number of days that we gave you.

With respect to the ceasefire, we agree that there should be a joint appeal by the United States and the . . . Oh, you don't have that in your draft. You left something out, Mr. Thach, of what the Special Advisor said yesterday. As a sign of our good will and serious intent I was going to make a concession and accept it. At any rate we agree that there should be an order by the Government of South Vietnam and by the PRG to effect a strict ceasefire through South Vietnam. We believe there should be a separate order, identically worded, issued at the same hour by both governments.

We agree that the Two-Party Joint Military Commission will meet 24 hours after the entry into force of the strict ceasefire. We want to leave open the number of hours after the issuance that this [ceasefire] should go into effect, but I am sure we can agree on that. That is to say, after the issuance of the order the timing between issuance of the order and the going into effect of the ceasefire we should discuss, but I think we can come to an understanding.

We agree that there should be meetings of commanders, but we would like to phrase it "at appropriate levels." And the levels should be decided by the Two-Party Joint Commission. We also believe that the Two-Party Military Commission should immediately discuss the delimitation of areas of control. We do not agree that they should return to the situation as it was on January 28, since if they cannot agree on the delimitation of the area of control, how can they possibly

agree on what the situation was on January 28? But we wouldn't object to it if the two parties can agree on it. We just don't see how we can state it as a provision.

I have answered the point about local commanders and about delimitation of zones of control.

With respect to your Article 4, point (b) must make clear that the provisions of Article 7 [of the Agreement] apply: "war materials except those permitted under Article 7," or something like that. [He confers briefly with Sullivan and Aldrich.] It is partly dealt with in (c), but I just want to make sure that we don't misunderstand each other afterwards. Shall we agree on game wardens, about the movement of elephants through Laos? [Laughter]

Le Duc Tho: Yes, one may always be mistaken.

Dr. Kissinger: Our European expert [Sonnenfeldt] has never heard the logic of our Vietnam colleagues that just because often the Vietnamese have managed to introduce equipment that we did not catch, the equipment we didn't catch probably doesn't exist. I am just explaining the logic to our European expert here.

Le Duc Tho: Yes, it is difficult for Europeans to understand Asians.

Dr. Kissinger: And it is difficult for anybody to understand Vietnamese. [Laughter] Can that be your secret weapon?

Now, with respect to points of entry. We agree that they should be designated by the Two-Party Joint Military Commission from places held at the time the agreement is signed. We want to discourage land-grab operations. And we want to make clear that this is without prejudice to the points of entry that have already been agreed upon. In fact, we believe that the most efficient way of doing it would be for the Vice Minister and Ambassador Sullivan to constitute a working group and to specify the points of entry in this agreement.

As to corridors and similar matters, obviously corridors cannot exist through areas not controlled by one side or the other.

With respect to your point 5, Article 8, we have given you the draft of what we are prepared to agree to.

With respect to the democratic liberties, we believe that our proposal is more efficient.

With respect to the National Council of National Reconciliation and Concord, if the formation of the Council is linked to a clear commitment to an election, I think we can come to some understanding about it.

On Article 17, we substantially agree.

With respect to the location of the teams, we would like to study this problem further. Unless the Special Advisor would like to explain to me the full meaning—since I have learned there is always more to

the Special Advisor's proposals than meets the eyes. I would like to understand a little bit better what he has in mind with Article 8(b).

Article 8(c) we have no problem with.

Article 9 is totally unsatisfactory. First of all it depends what you mean by "scrupulously implement Article 20." Since we have maintained that it has not been scrupulously implemented. In fact, we believe it hasn't been implemented at all. Secondly, even with respect to Laos, the article says nothing about the Special Advisor's suggestion yesterday of setting a time limit on the political negotiations. Thirdly, it is impossible for us, as we have told you on innumerable occasions, to recommend a program according to your Article 10 and to Article 21 of the Agreement unless there is a ceasefire in Cambodia and the implementation of Article 20 with respect to Cambodia.

With respect to your Article 10, referring to Article 21 of the Agreement, the only difference between us is a question of days, which I am sure we can resolve satisfactorily if everything else is satisfied. We will agree, if everything else is agreed to, we will agree to a fixed date for the resumption of the Commission and a fixed brief period for the completion of the work program for the first stages. It will be a little longer than this, but it will not be held back.

Finally, we note there is no reference to Article 15, which is covered in our paper and on which we have spent so much time in December—and January. I am sure the Special Advisor wouldn't want something on which we spent so much time ignored.

There is also no reference to Article 18, the free movement of ICCS personnel.

Well, these are our comments on your paper.

Le Duc Tho: Have you finished, Mr. Advisor?

Dr. Kissinger: Yes.

Le Duc Tho: Please now let me express my views. We have spent many days in the past and much arduous work to come to the Paris Agreement on Vietnam. Now, how the situation is at present, I have expressed my views on the past few days. And so we are reviewing now the implementation of the Agreement, chapter by chapter, and we try to find out points on which we should find out the measures for better implementation of those articles. Therefore our approach to the review of the implementation of the Agreement is to stress upon the common responsibility of the four parties to the Agreement in strictly implementing the Agreement.

But looking into your memorandum I think that your division into two categories of problems—first, problems regarding the U.S. and the DRV, and second, problems regarding the Saigon Administration and the Provisional Revolutionary Government—I think that this division

is not conforming to the Agreement. Those provisions mentioned in the Agreement constitute a common obligation to all signatory parties. Therefore, if now we review the implementation of those provisions we should not depart from the provisions of the Agreement and the provisions of the protocols. We should not divert from the Agreement and its protocols, and we should not act contrary to the provisions of the Agreement and its protocols, but at the same time we should not go beyond the Agreement and the protocols.

For those points which fall beyond the Agreement we may have understandings.

And our approach to the problem is that we do not put conditions and not linking one provision of the Agreement to the implementation of other provisions of the Agreement. For instance, you have linked the resumption of the meetings of the Joint Economic Commission to the question of ceasefire in Cambodia. It is contrary to our agreement that we come here to review the implementation of the Agreement and to find out measures to insure the strict implementation of all the provisions of the Agreement. The provisions regarding the Joint Economic Commission, that is to say, Article 21 of the Agreement, the U.S. should implement this article of the Agreement. You cannot deny implementation of this article. And moreover, the implementation of this article is in the interest of the two parties and it will lay a basis for the normalization of relations between our two countries.

So on the basis of what I have just said, which bears some character of principle, please let me now comment on the memorandum you gave us yesterday.

First, let me point out those paragraphs in your memorandum that are contrary to the Paris Agreement on Vietnam and contrary to the protocols to the Paris Agreement. If we adopted what you have proposed in your draft memorandum we would have to redraft the Paris Agreement and its protocols.

Now let me address the first part of your memorandum and point 5 of the first part. Article 15 of the Agreement stipulates that "North Vietnam and South Vietnam . . ."

Dr. Kissinger: Just a minute. I have to find it.

Le Duc Tho: "North Vietnam and South Vietnam should respect the Demilitarized Zone." If we put as you have put in your point 5 that military personnel and equipment be removed immediately from the Demilitarized Zone, then if you put as you have done, then you have put something new in the Agreement and you imply that we have been violating the Agreement.

Dr. Kissinger: But you agree . . .

Le Duc Tho: Let me finish first, Mr. Advisor.

Dr. Kissinger: Well, that way you might agree with me and I can't get the argument down. Please finish.

Le Duc Tho: Now why there is no mention of this article in the paper we have just given you [is] because this article is very explicit and there can be no additional phrases or paragraphs in connection with this article. Moreover, Article 7 is also very clear. Article 7 prohibits any introduction of armaments and war materials into South Vietnam. Only replacement of arms are permissible, but it must be introduced through designated points of entry. Therefore this question has been clearly laid down in Article 7 and in the paper I have just given you there has been clear mention about this.

Dr. Kissinger: Except that it is our impression that Article 15 has been violated, and therefore, just to put our mind at ease, we would like to call attention to it again.

Le Duc Tho: But I think that Article 7 may have given you quietness of mind if it is clearly implemented. It is a basic article.

Dr. Kissinger: 15 is a basic article too.

Le Duc Tho: But the Article 15 is explicit enough. It says that the DMZ must be respected. Now, regarding your second Part, B, and Point 1.

Dr. Kissinger: What is the next article?

Le Duc Tho: Second part, B(1).

Dr. Kissinger: Can I assume then that the Special Advisor is accepting all the other points in Part A?

Le Duc Tho: I am presenting my views, Mr. Advisor.

Dr. Kissinger: No, but he is now in Part B.

Le Duc Tho: Now I am pointing out the paragraphs in your memorandum that are contrary to the Agreement.

Dr. Kissinger: Oh, I see.

Le Duc Tho: And those points that are not agreeable to us.

Dr. Kissinger: I will let the Special Advisor continue.

Le Duc Tho: And for those points on which I agree I will make further comments.

Dr. Kissinger: All right, fine. Now I understand.

Le Duc Tho: Now your Part B, point 1, you mention that the present level of violence in South Vietnam should be reduced as quickly as possible and before the cessation of hostilities. I think that this is contrary to Articles 2 and 3 of the Agreement which stipulate that there must be immediate ceasefire. If it is worded as you have done it means that the fighting will continue in South Vietnam.

Dr. Kissinger: I understand the point.

Le Duc Tho: Now your Part B, point 3: in this paragraph you propose that “local military commanders at appropriate levels should be authorized to meet” and with the presence of teams of the Two-Party Joint Military Commission. I think this is contrary to Article 3 of the Agreement and Article 4 of the Protocol on the Ceasefire.

Dr. Kissinger: Just a minute. I have to find why is it contrary to Article 3 of the Agreement.

Le Duc Tho: Let me explain this. Article 4 of the Protocol on the Ceasefire clearly stipulates that the commanders of the opposing armed forces at those positions in direct contact will meet. There is no mention of the presence of the Two-Party Joint Commission.

Dr. Kissinger: And “pending regulation by the Joint Military Commissions.”

Le Duc Tho: It is mentioned that it is pending, but there is no mention of the presence of the Two-Party Joint Military Commission.

Dr. Kissinger: But it only speaks about commanders in direct contact.

Le Duc Tho: And those positions in direct contact of opposing armed forces. And there is no mention of “at appropriate levels.” The wording in the Protocol is concrete and clear and now the wording in your memorandum is contrary to the Protocol.

Dr. Kissinger: [Aside] In contrast to the memorandum they gave us, which strictly adheres . . .

Le Duc Tho: Now Part B, point 9.

Dr. Kissinger: Point 9, right.

Le Duc Tho: So your paragraph is contrary to Article 11 of the Agreement. Article 11 of the Agreement explicitly stipulates that “as soon as the ceasefire comes into force the two South Vietnamese parties shall immediately enforce all the democratic liberties of the people.”

Dr. Kissinger: Ensure.

Le Duc Tho: “Ensure all democratic liberties to the people of South Vietnam.” Here you write that each of the two South Vietnamese parties should inform the other parties to the Paris Agreement of the measures it has taken to ensure. Is that right?

Kissinger: One reason we did not want to spell it out is that we believe this article is scrupulously being carried out, and that this article is clear. So we did not see any reason to . . . It is as clear as Article 15.

Le Duc Tho: I think that in our document we must have correct, adequate wording. In your Part B, on point 10, you propose that each of the two South Vietnamese parties should proceed quickly to designate those persons who are to compose their segment of the National Council and half of those persons who are to compose a third equal segment.

But you do not propose any specific time limit for formation of the Council, which is contrary to Article 12 of the Agreement.

Kissinger: Article 12 only says that they should do their utmost.

Le Duc Tho: But within three months.

Kissinger: Do their utmost to do it within three months.

Le Duc Tho: So the three-month period is over now.

Kissinger: Should we give them another time period to do their utmost?

Le Duc Tho: Let us have a specific time period and we will prod them to carry out within the time limit and we will struggle to have it implemented.

Kissinger: We are willing to discuss this.

Le Duc Tho: Now your Part B, point 14.

Kissinger: Well that is Thach's problem, because I know the Special Advisor is sympathetic to the International Control Commission. I know he wouldn't want the Canadians unhappy.

Le Duc Tho: In this paragraph you propose that the International Commission and its teams is authorized to carry out all necessary travel that is deemed necessary, and at any moment, without giving notice to any South Vietnamese parties, which is completely at variance with Article 18 of the Agreement and at variance with the Protocol regarding the International Commission of Control and Supervision. And you have also proposed that the International Commission and its teams may travel wherever they like. And there is no such mention in the Protocol.

To our view those are the points that are at variance with the Agreement and protocols and that we cannot agree to. Because our purpose is to review the implementation of the Agreement, and to find out measures to ensure correct and scrupulous implementation of the Agreement and the protocols, and not to amend the Agreement and the protocols.

Besides those points which are at variance with the Agreement and the protocols, there are other points which go beyond the Paris Agreement on Vietnam. And among those points there are points regarding Cambodia and regarding Laos and thirdly regarding the information about the missing-in-action in Laos and Cambodia. I will express my views regarding those points, but those points are points which cannot be mentioned in the joint communiqué or memorandum.

Now let me express my views regarding the point you mentioned in your memorandum and the comments you have just made of the paper we have just given you. Now, I base myself on the draft joint communiqué and I will point out which points we can agree with you and which points we cannot agree with you.

Kissinger: Your draft joint communiqué or our draft memorandum of understanding?

Le Duc Tho: I will combine my comments on your memo and my draft . . .

Kissinger: I understand.

Le Duc Tho: And those are the points which we can discuss.

Now regarding the draft communiqué, point 1, “in implementation of the Article 2 of the Agreement, the U.S. will immediately cease all reconnaissance flights over the territory of the DRVN. This cessation is complete, definitive, and unconditional.” I think that the mention of “this cessation is complete, definitive and unconditional” is a correct position, because the DRV is a sovereign country. There is no reason that reconnaissance flight is not stopped completely, definitively or unconditionally. I recall to you the understanding we had with you on this question. Now the wording is not so good as the wording of the understanding we had, the understanding with respect of the reconnaissance activities: “the U.S. side confirms that with the coming into effect of the Agreement on Ending the War and Restoring Peace in Vietnam the reconnaissance activities against the territory of the DRVN will cease completely and indefinitely.”

Kissinger: But not unconditionally.

Le Duc Tho: But the present wording constitutes a step backward.

Kissinger: [laughs] Some day we are going to have a meeting where the Special Advisor will praise me. It is what brings me back to all these meetings, the hope that he will say a friendly word.

Le Duc Tho: No, the only praise I will make to you is that you are very forgetful. [Laughter]

Kissinger: All right.

Le Duc Tho: Regarding the clearance of mines, I think the time period of twenty days we propose is reasonable, twenty days after we reach agreement here. This is a reasonable proposal. And according to the American technicians and according to their schedule of work, they say that it would take twenty days to complete all the work. They said no. Now the third question.

Kissinger: Have you been fraternizing with our people in Hanoi, in Haiphong?

Le Duc Tho: I have not met them.

Kissinger: We are checking with our people. We have no interest in prolonging it.

Le Duc Tho: But I have a feeling you have dragged on the mine clearance.

Kissinger: That is because you have a very suspicious nature.

Le Duc Tho: No, we are not suspicious. Throughout the process of the mine clearing you have interrupted the operation twice, so it makes us suspicious. If you had continued the operation it would have been completed by now.

Kissinger: We will let you know what adjustment we can make in our proposal tomorrow. I am sure we can settle this satisfactorily. We will let you know tomorrow whether we can make any adjustment in our proposal.

Le Duc Tho: Regarding the ceasefire. Since we will issue the joint communiqué, I think it is sufficient, and we will leave the two South Vietnamese parties to issue the ceasefire order.

Kissinger: I agree.

Le Duc Tho: It is a reduction of paper, red tape.

Kissinger: Yes, each in their own way.

Le Duc Tho: But if you like to issue an appeal by the U.S. and the DRV, we are prepared to do that. But my view is to reduce the papers. As to the ceasefire order I think a joint order of ceasefire is stronger. And previously the Four-Party Joint Commission issued also a joint order.

Kissinger: The Four-Party Commission, not the Two-Party.

Le Duc Tho: Yes, Four-Party. Thus if the Four-Party Joint Military Commission could issue a joint order, with more reason the Two-Party can.

Kissinger: That was a joint appeal. It was an appeal. The Four-Party had no right to issue an order.

Le Duc Tho: Yes. If you like, a separate order, but it must be the same wording, the same time, and so forth.

Kissinger: Yes. All right, we can agree to that if we can agree to a text. Why don't we have the Two-Party Commission work out the text?

Le Duc Tho: I have given you a draft of the order. [Tab C] I think it better . . .

Kissinger: Well, let us study it. We haven't really studied it yet. In principle it is a possibility. [He reads DRV draft at Tab C.]

Le Duc Tho: The two governments. As for the entry into force of the ceasefire, I think twenty-four hours is appropriate, in keeping with the Agreement. If the wording you propose here, "the gradual reduction of violence," it is at variance to the provisions of the Agreement.

Kissinger: You wouldn't be thinking of a little land-grabbing operation in the interval, would you, Mr. Special Advisor? As in November?

Le Duc Tho: Now if the ceasefire comes into force within twenty-four hours there can be no land grab. But in November there was no ceasefire then.

Kissinger: [laughs] That is true!

Le Duc Tho: They were in their right to carry out such operations, but when the ceasefire went into force they have to respect the ceasefire.

Kissinger: But very suspicious people could say—very unworthily—the idea was to grab some territory and then to protect it with the ceasefire. Like a seaport or two. I know the Special Advisor specializes in jungle trails, but the Vice Minister is a specialist on seaports.

Le Duc Tho: Now let me come to the question of the “Twenty-four hours after entering into force of the ceasefire the armed forces of the two parties will return to the positions they occupied before January 28.” We can add another sentence saying that we can let this question be discussed by the two South Vietnamese parties in the Two-Party Joint Military Commission.

Now regarding the point about “the commanders at all levels at those places of direct contact will meet and agree on measures,” we can delete the words “commanders at all levels” and stick to the Protocol. As to commanders at which level should meet, we can leave this question to the Two-Party Joint Military Commission. They can discuss and decide which level of commanders. But we maintain that the commanders of opposing armed forces at those places of direct contact should meet.

As to Article 7 . . .

Kissinger: Just a minute. I think to make it consistent with the Agreement we should say “they meet for the purposes of Article 4 of the Protocol.” That would make it strictly in conformity with the Agreement.

Le Duc Tho: I propose to maintain the wording of the Protocol that commanders of opposing armed forces at those places of direct contact will meet.

Kissinger: Just “will meet?”

Le Duc Tho: And that . . .

Kissinger: Yes, but that is not what the Protocol says. That is not what Article 4 of the Protocol says.

Le Duc Tho: All right. They will meet for the purposes of Article 4 of the Protocol.

Kissinger: Okay. In that case we are all right. And then, shall we say the Two-Party Military Commission will decide the appropriate level?

Le Duc Tho: If now we have adopted the wording of the Protocol then we rest strictly consistent to the Protocol. We will let them decide later.

With regard to Article 7, we agree to adopt the wording of the Agreement, as you propose. Regarding Article 7, the Two-Party Joint Commission will decide the modalities for the replacement of arma-

ments and designate the points of entry of each party and the corridors to and from those points. The points of entry which have been designated I think we keep them, and those which are still lacking we should designate them.

Kissinger: Okay. But the points of entry should only be designated from points which either side held on May 19. Do you see what I mean? We don't want you to grab Cam Ranh Bay and claim it as a PRG point of entry. [Laughter]

Le Duc Tho: It is related to the provisions of return to the positions the armed forces occupied on January 28.

Sullivan: That is his favorite point.

Kissinger: We will build a hotel there and let the Vice Minister visit it. Is that his native place?

Le Duc Tho: So now you admit that it was a violation of the Agreement that your side seized it?

Kissinger: No. First it was a violation of the Agreement that you seized Sa Huynh. And then our forces took it back.

Le Duc Tho: No, it was before the ceasefire went into effect.

Kissinger: [laughs] How about that marine base north of the Cua Viet River? Do you want to give that back to us?

Le Duc Tho: It was decided to allow operations against Cua Viet after the ceasefire came into effect and when you visited Hanoi you told me that it was a violation of the Agreement.

Kissinger: Well, so was your grab of Sa Huynh.

Le Duc Tho: The capture of Sa Huynh happened before the ceasefire, a few days before the ceasefire.

Kissinger: I understand that the ICCS found unanimously that it was a violation of the Agreement, which cost the Polish officer his job. [Laughter]

Le Duc Tho: So we should no longer refer to these questions. It is bygone. So some of the points of entry have been designated, and the points of entry which are lacking will be designated by the Two-Party Joint Military Commission.

Kissinger: Within what time period?

Le Duc Tho: Within fifteen days. It is mentioned in the draft. The three remaining points of entry, including the modalities. And after the designation of points of entry then the teams of the Joint Military Commission and the ICCS will be deployed as the deployment before the ceasefire, including the designated points of entry, provided that the immunities and privileges are insured.

Kissinger: After the designation of those points the teams will be deployed provided their privileges and immunity . . .

Sullivan: But he said before the ceasefire.

Le Duc Tho: After the ceasefire.

Now let me address Article 8 of the Agreement. What you have said in your memorandum regarding Article 8 is at variance with the Agreement. In the Agreement it is said that the parties should do their utmost to complete the return of prisoners within ninety days, and in the understanding you had with us it was said that the greater part of the prisoners would be returned within sixty days and the remaining will be returned within ninety days, and this has not been implemented, and your promises have not been kept too.

In your memorandum it is said that the Vietnamese civilian personnel should be identified before they can be returned. So this identification, I don't know it will last until what date, and therefore we can say that the civilian personnel will be never returned. And there is no mention about such identification in the Agreement. Therefore in our proposal we maintain the spirit of Article 8 of the Agreement and of the understanding, but what we have here is the time limit of thirty days.

And we stick to the understanding you have with us. We consider it as a serious promise to us. And as to the promise you made to me when you visited Hanoi, you said then in a few days 5,000 civilian prisoners would be released, you should keep this promise too. In brief, we maintain all the provisions of Article 8 of the Agreement and the understanding you have had with us, but since the time period is over now therefore we propose a time limit of thirty days now.

Kissinger: Well, first Article 7(c) of the Protocol requires an exchange of lists, which has not yet satisfactorily taken place. Secondly, when I told you that 5,000 prisoners would be released it is my understanding that this in fact took place, that the Saigon Government is prepared to give you a list of these 5,000 and to have the ICCS check the list.

Le Duc Tho: They have not been returned, because according to the Agreement and the Protocols the prisoners should be returned.

Kissinger: I am told that they have returned to their native places.

Le Duc Tho: So far they have returned only a few hundred of them.

Kissinger: I am told that 5,000 have been returned to their native places and that they can be checked there by the Commission.

Le Duc Tho: But this is contrary to the Agreement and the Protocol, because according to the Agreement and the Protocol these prisoners must be returned to our side. They alleged to have released, but it is not known. Nguyen Van Thieu stated that there were no political prisoners in South Vietnam; therefore he did not release anyone.

Kissinger: No, he released 5,000 civilians.

Le Duc Tho: Where? It is contrary to the Agreement.

Kissinger: He has offered to release 20,000 others, anyone you can identify as a cadre.

Le Duc Tho: There is no mention about identification in the Agreement and the Protocol. It is said that the captured persons for political reasons during the time of war, whether they belong to the National Front for Liberation or they do not belong to the Front, but because of their activities for the country they were captured or arrested by the Saigon Administration, they should be returned. So Point 8 in your memorandum cannot be written contrary to the Agreement and contrary to the Protocol. And we stick to the Agreement. Before, there was a time period of three months; now this period is over. We propose now another period of thirty days.

Kissinger: Let Mr. Sullivan make a point here because he negotiated this Protocol.

Le Duc Tho: Article 8 and 9 of the Protocol, regarding the humane treatment of the captured and detained persons and permission to the national Red Cross societies to visit the places of detention, those provisions must be implemented.

Sullivan: We have talked with the South Vietnamese and we are talking with you, and we see a great deal of confusion on this question of civilian detainees. As Dr. Kissinger indicated to you at the time the Agreement came into effect, there were about 25,000 civilians under arrest and in prison in South Vietnam or in detention camps. About 5,000 of those at that time were being held under what was called the An Tri procedures, under investigation as possibly being involved in Front activities. Since none of them had been convicted of anything, they were released, and released to return of their own volition to their own place. This leaves about 20,000 who are convicted of various criminal actions under South Vietnamese law. Since the provisions of the Agreement require that they should be returned if they are cadre defined under Article 21(b) despite a criminal conviction, that can be carried out.

Among these people who have been convicted, there are 5,081 who have been identified by the Saigon authorities as being cadres under Article 21(b) of the 1954 Geneva Agreement. They have given your people the names of those 5,081 and are in process of attempting to work out return procedures with you. Some 750 have already been returned. However, several people whose names are on that list insist they are not cadre and that they do not wish to be returned to the PRG. We would be opposed, and the GVN is opposed, to returning someone to the PRG who says he is not one of your cadre. President Thieu's current statement is that these will be returned and any others among the civilian detainees will be returned if you can identify the people as being cadre who are eligible under 21(b) of the 1954 Geneva Agreement.

The impression we have is that the people who have been discussing this subject in the Two-Party Joint Military Commission have been talking past each other and not making very much mutual comprehension. For example, the GVN has submitted a list of some 60,000 people that are missing. And the PRG has given various lists. They started out with a list of only 100 and some; then they went up to 200 and some; then they ended up with a list of 600 and some. Your presentation suggests that this is only a unilateral problem. We think it is a mutual problem, and there has to be a reciprocal return of prisoners and detainees. All those people who have been captured from places where they were taken by the forces of the PRG and your forces and have been put into coolie details and working camps and are working on the Ho Chi Minh Trail are civilian detainees just as much as the people who were taken from Loc Ninh and taken into Cambodia are being detained. So we think it needs a little more reciprocity and a little more mutual comprehension in these discussions if this is going to be carried out.

Le Duc Tho: Have you finished?

Sullivan: Yes.

Le Duc Tho: I can discuss this question with you for months. This is a slander to say that we oblige the prisoners to labor on the construction of routes. I have not mentioned all the cruelties and brutalities towards our prisoners. I have just mentioned one per cent of this. What the Saigon Administration alleged, that we are holding 60,000 prisoners, is completely untrue. Presenting this figure is only to have a pretext to refuse to return the prisoners.

You know, during the war between the U.S. and the Vietnamese there is not a place capable to contain such a big number of prisoners. If you understand that our troops have to sleep in hammocks and to live in huts, then you will understand that there is no prison capable to detain such a big number of prisoners. We have not as many dollars as you have to build so many model prisons as in South Vietnam. So you can understand that there is no place in which we can detain 60,000 prisoners.

As to the lists of prisoners the PRG has given to you, it is because of the scattered conditions of the prisoners. In this district, five of the prisoners were held; in this province a number of the prisoners were held. And you can understand that the means of transport and communications are not easy in such conditions and it is not easy to compile all the names of the prisoners at one time, and we can't give just at once a complete list of the prisoners. I think you can understand that there is no reason that we hold prisoners after the end of the war. You are aware of the rations our troops have. There is no reason that we keep those prisoners and have to feed them. Not speaking of our humanity.

As to the prisoners held by the Saigon authorities, it is not 25,000. The figures of prisoners held by the Saigon authorities have been revealed by the South Vietnam press, by political people in Saigon, and many of the well-known personalities have given the conservative figure of 200,000 prisoners.

Kissinger: That is ridiculous. There are not that many prisons.

Le Duc Tho: Let me finish my views. The Deputy Ngo Can Duc is a parliamentarian in Saigon. This deputy has published a diagram of the prisons all over South Vietnam with the number of prisoners held in each prison. If you want, I can communicate you the diagram.

Kissinger: Could we have that list?

Le Duc Tho: I will give you the diagrams of all the prisons in South Vietnam, with the number of prisoners in each of the prisons.

Kissinger: That can be subject to verification. We will certainly investigate it.

Le Duc Tho: Now let me point out briefly the following. Because if we debate that point, probably you will have to remain here for months. Now what I would like is that you should abide by Article 8 of the Agreement, the provisions of the protocol to improve the living conditions of the prisoners and to treat them humanely. And you promised me these measures. And I would wish only that the understanding that you had with us be implemented. The only difference in our draft joint communiqué in comparison with the Agreement is the time period, thirty days.

Kissinger: And the firm commitment.

Le Duc Tho: If you wanted to repeat here the wording of the Agreement I can accept it, provided that the time period is changed now and provided that all the prisoners be returned. And your promise about the provisions of the Agreement, the provisions of the protocols . . .

Kissinger: About humane treatment.

Le Duc Tho: Humane treatment of the prisoners, and visit to the detention places by the national Red Cross societies.

Kissinger: And paragraph 7(c) about the exchange of lists.

Le Duc Tho: All the provisions of the protocols.

Kissinger: I am not sure that the GVN believes that all 60,000 on its lists are still being held as prisoners. But I think it does believe that more than 600 are being held.

Le Duc Tho: I told you the other day that the 600 prisoners is the complete list of prisoners. Frankly speaking, I have explained to you that we are not in a position to hold a big number of prisoners. I think you understand this. If you have not understood this, please make an effort and come to understand it.

Kissinger: Your point is, as I understand it, Mr. Special Advisor, what you want is to have the provisions of the Protocol expressed in our communiqué, plus perhaps the language of the Agreement, with a shorter time period than the language of the Agreement. Is that correct? Did I understand that correctly?

Le Duc Tho: It is correct.

Kissinger: We can consider that.

Le Duc Tho: And your commitment, I still have it in hand, your understanding.

Kissinger: You have it.

Le Duc Tho: And I have never forgotten your commitment.

Kissinger: [laughs] When we travel through America together, we will discuss it again. I mean we will discuss the whole history of our negotiations.

Le Duc Tho: I would like to tell this. What I want in this connection is that you and I—when you get old and you die, and when I get old and I die—we should go to the other world without some grief, some worry in our conscience that we have not kept our promise. [Laughter]

Kissinger: We will meet, as the Special Advisor says, and I will say, “I am dead.” He will say, “You are not sufficiently concrete.” [Laughter]

Le Duc Tho: If you carry out your understandings, your commitment, then there will be no problem. But you fail to carry your commitment and if you die, I will come to your place and remind you. [Laughter]

Kissinger: Now you are giving me an incentive not to carry it out! At least now I will know I will not be lonely.

Le Duc Tho: Now let me shift to another point. Chapter IV, Article 11. According to the provisions of the Agreement, democratic liberties of the South Vietnamese people must be guaranteed immediately.

Kissinger: I don’t remember anything about relatives’ graves in the Agreement.

Le Duc Tho: Regarding the graves of the dead, we will respect the Agreement.

Kissinger: Is that in the Agreement?

Le Duc Tho: In the draft communiqué there is something about the graves.

Kissinger: Yes, but that was not from the Agreement. That is a new idea.

Le Duc Tho: In the Protocol.

Kissinger: We just want to make sure the 325th Division won’t show up to look after their relatives’ graves. [Laughter]

Le Duc Tho: Let me tell you this. In the draft communiqué there is a mention about this question. When you interrupted the mine clearance operation in North Vietnam, at this very moment we allowed the Four-Party Joint Team dealing with the dead and the missing to go to Hanoi. So we have not retaliated the interruption of the mine clearance operation by stopping the travel of the Joint Team to Hanoi. Actually I thought about this measure, but I decided, no, let the team go to Hanoi. This is an evidence of my good will. This problem will be dealt with as provided for in the Agreement.

I propose now a little breaking point.

Kissinger: Good idea. Mr. Special Advisor, in spite of your intensity I think we are going to make significant progress. I have the impression that if we stick to the language of the Agreement as recommended, that this is the easiest way to settle most of our disputes. Except for ceasefire and a few other items.

Le Duc Tho: Perhaps when we leave each other, still the point we remember 8(c) as the sticking point.

Kissinger: I think your idea is a constructive idea.

Le Duc Tho: It is the collegueship that we miss.

Kissinger: No, I think it is a constructive approach.

[There was a break beginning at 5:30 p.m. Dr. Kissinger and Le Duc Tho conferred privately. The meeting resumed at 6:55 p.m.]

Dr. Kissinger: The Special Advisor and I have settled everything. We now have to go through the motions of pretending that we are negotiating. [Laughter] Especially on Cambodia. I was really amazed how the Special Advisor has seen the merit of our point of view.

Le Duc Tho: Mr. Advisor, it is now 7:00, and please let me speak a few words and probably we should adjourn. Now, regarding Chapter IV of the Agreement, Article 11, regarding democratic liberties, I think that they should be immediately implemented. And after the ceasefire comes into effect and after the democratic liberties are enforced, then the National Council for National Reconciliation and Concord should be formed within 30 days. It was previously proposed that they should do their utmost to form, to set up, this Council within three months, and this period of three months is over now, so we propose again 30 days. And after the democratic liberties are applied and after the formation of the National Council of National Reconciliation and Concord, then the general elections may be held six months thereafter.

Now regarding the Two-Party JMC, we have made some proposals regarding the location of the headquarters of the JMC and some proposals regarding the immunities and privileges. Here we propose that all the 11 points about the immunities and privileges should be fully implemented and not “similar to those”—you used the word “similar

to those of the Four-Party Joint Military Commission". We do not like the word "similar".

Regarding the Laos and Cambodian problems. Regarding Laos we can have an understanding with you that after these meetings, as soon as possible and no later than one month, we can try to have our friends finish their settlement of the protocol on the political problems, and after that the foreign troops will be withdrawn within a period of 60 days, in accordance with Article 4 of the Agreement on Laos.

Regarding the Cambodian problem, I have been expounding on many occasions our view in this connection, and recently I have had a long exchange of views with Mr. Special Advisor. I repeat here again that we stick to the understanding we have had with you regarding Cambodia.

Now in this draft joint communiqué there is no mention about Article 15 because we keep it as it is in the Agreement. And moreover, Article 7 of the Agreement has explicitly stipulated about the replacement of armaments through designated points of entry. As to articles we have not mentioned, about Article 18, because we stick to the provisions of the Agreement and protocols, if now we refer to your memorandum then it would be tantamount to a change of the Agreement and protocols.

So I have finished my presentation to you.

Dr. Kissinger: Mr. Special Advisor, let me make a few observations. As I understand the Special Advisor's proposal, it is that in our draft joint communiqué or memorandum of understanding we express to the maximum extent possible our conclusions in the language of the Agreement and of the protocols. Where the deadlines have passed for certain activities we should reaffirm a new deadline in substantially the same language as the language of the Agreement and protocols. The articles that require additional concreteness as far as your side is concerned are those dealing with reconnaissance, with mine clearing, with the Joint Economic Commission, with the ceasefire. The articles that require additional concreteness as far as we are concerned, as we have pointed out on a number of occasions to you, concern Laos and Cambodia.

With respect to Laos, I would say that the work of the political settlement should be completed no later than the work of the Joint Economic Commission.

With respect to Cambodia, I have carefully listened to what the Special Advisor had to say to me, and I want to think about it. We are concerned with bringing about a solution based on reality, and I would like to consider how we can express some of these considerations. But I want to repeat again what I have said on many occasions, and what

Mr. Williams has pointed out on many occasions, that even if we proceed with the work of the Joint Economic Commission there is no possibility of getting a Congressional approval of our projects in the economic field unless there is major progress on peace throughout Indochina.

Now that raises a question of how we can most effectively proceed from here. We are still disagreed on whether the draft communiqué should be in one part or in two parts. But it does not affect the substance of the matter, and of the formulations. I therefore propose that tomorrow Ambassador Sullivan and Minister Thach meet to draft as much of a document as we can agree on and as many of the specific clauses. And then on Monday we could get together to settle the issues that remain.

I think with a day's rest and religious observance the Special Advisor will be even more formidable than usual. [Laughter]

Le Duc Tho: We break off, to have peace.

Dr. Kissinger: And if this proposal is agreeable—I am prepared to participate in this process, but I think now we are really engaged in a drafting process, and if we can then narrow the issues that remain . . .

Le Duc Tho: Have you finished, Mr. Special Advisor?

Dr. Kissinger: Yes.

Le Duc Tho: Please let me add a few words, and we will adjourn.

Dr. Kissinger: I think the Special Advisor has evening plans which he hasn't shared with us.

Le Duc Tho: It is too late now!

We have come here to review the implementation of the Agreement and the protocols, to ensure a strict implementation of the Agreement and its protocols. Therefore the wording should not be at variance with the wording of the Agreement and the protocols. As to the time periods mentioned in the Agreement, some of them are over now, and have to set another time period, as we proposed in the draft. There are many time periods for many questions.

Regarding the question of Laos, I think it should not be linked with the question of the Joint Economic Commission. The Lao question will be dealt with by the two Lao parties; we will use our influence over them. As to the Joint Economic Commission, it is a matter dealt with by the U.S. and the DRV. We cannot link these two questions. Regarding the problem of Laos I have told you it should be settled as soon as possible, but 30 days at the latest. As to the time limit for the completion of the Economic Commission work, we propose 10 days and the American delegation proposed previously 15 days. I don't think there is much difference between 10 days and 15 days. We will leave this question to be decided by Ambassador Sullivan and Minister Thach.

Dr. Kissinger: They will settle on 18 days. Fifteen working days. [Laughter]

Le Duc Tho: Regarding the Cambodia problem, I have presented my views on this problem, and we stick to the understanding we have with you. I think this question of Cambodia should not be linked to the question of U.S. obligation of healing the war wounds in North Vietnam. If so, it would be tantamount to posing conditions to the healing of war wounds question, and whereas in your message it is said that this question is not attached to any political conditions. Moreover, this question of healing the war wounds will lay a basis for the normalization of the relations between our two countries beneficial to both sides.

Therefore on many questions you propose to combine them together and I think it is illogical. I agree with you that tomorrow Ambassador Sullivan and Minister Thach will meet. And I think that we will have a joint communiqué to draft and, besides that, we have some understandings to draft. I think that the understandings, the few understandings we have to make, should be discussed by Minister Thach and Ambassador Sullivan.

Dr. Kissinger: I agree.

Le Duc Tho: And on Monday morning we will have a plenary meeting between you and I with all the other people, and the remaining problems will be settled by us on that day.

Dr. Kissinger: I agree.

I might prefer Monday to do it in the afternoon, and I will let you know through Ambassador Sullivan tomorrow. Is that agreeable?

Le Duc Tho: I agree.

Dr. Kissinger: So we will leave open whether to meet Monday in the morning, or in the afternoon. Is that agreeable?

Le Duc Tho: I agree.

Dr. Kissinger: And where should we meet on Monday? Here? Tomorrow we meet at Gif.

Le Duc Tho: It is up to you.

Dr. Kissinger: Let's meet here.

Le Duc Tho: And on Tuesday we will meet at our place.

Dr. Kissinger: At Gif. By Tuesday I will have the films of the initialling and of my visit to Hanoi.

Le Duc Tho: Thank you.

Dr. Kissinger: I am having a copy made for the Special Advisor.

Le Duc Tho: Thank you, Mr. Advisor. It is some keepsake, some souvenir.

Dr. Kissinger: So we will meet again then on Monday.

[The meeting ended at 7:25 p.m.]

60. Memorandum of Conversation¹

Paris, May 21, 1973, 3–7:40 p.m.

PARTICIPANTS

Le Duc Tho, Representative of the Government of the DRV
 Nguyen Co Thach, Vice-Minister of Foreign Affairs
 Phan Hien, Ministry of Foreign Affairs
 Col. Hoang Hoa
 Dang Nghiem Bai, Ministry of Foreign Affairs
 Pham Ngac
 Nguyen Dinh Phuong, Interpreter
 Two Notetakers

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
 Ambassador William H. Sullivan, Deputy Assistant Secretary of State for East Asian and Pacific Affairs
 Ambassador Graham Martin, Ambassador-Designate to the RVN
 George Aldrich, Deputy Legal Adviser, Department of State
 William L. Stearman, NSC Staff
 Peter W. Rodman, NSC Staff
 Richard P. Campbell, NSC Staff
 David A. Engel, Interpreter
 Mrs. Bonnie Andrews, Notetaker

Kissinger: Did you bring us the four signed copies of the draft?
 [Laughter]

Le Duc Tho: First of all, I would like to raise the question of the continuation of the reconnaissance flights over North Vietnam. I think you should put an end to this. You and I are talking here and if your reconnaissance flights go over North Vietnam, then our anti-aircraft will shoot down the planes, and if we get the pilots there will be more prisoners and more difficulties. I think this should be stopped.

There was a statement by our foreign minister. I wish you would pay attention to this.

Kissinger: Well, in keeping with our understanding the other day we have given the strictest orders that there should be no reconnaissance flights while we are here, and I think that is being taken care of. But I will reaffirm this as soon as we break up this meeting.

Le Duc Tho: I would just like to bring this fact to you because if this happens while we are talking it is not a good thing.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 114, Country Files, Far East, Vietnam, Paris Memcons, May 17–23, 1973. Top Secret; Sensitive; Exclusively Eyes Only. The meeting was held at La Fontaine au Blanc, St. Nom la Bretèche. All brackets are in the original. The tabs are attached but not printed.

Kissinger: I agree.

Le Duc Tho: And now yesterday Minister Thach and Ambassador Sullivan met. Before he went to the meeting I told Minister Thach everything I had to talk about. So all the easy questions have been solved by Ambassador Sullivan and Minister Thach so they have left behind the hard core and give us the trouble.

Kissinger: That is the usual procedure.

Le Duc Tho: I am not so talented in solving these things, so I leave to the Special Advisor these difficult things we are facing now.

Kissinger: Well, Mr. Special Advisor, I agree we should go through the Agreement point by point. Although I have seen the Special Advisor when he wanted to go rapidly and I know he could do it.

Le Duc Tho: Before we go into the specific questions, please let me express my ideas. And afterwards we will examine the specific questions to see what solutions you will be bringing about.

We can say that both of us are making a tremendous effort in general, so we could reach the Agreement and its protocols. The structure of the Paris Agreement and its Protocol took a great deal of time and effort on our part to achieve. Now, considering the structure of your draft memorandum of understanding I feel that you are trying to change the structure of the Agreement. You divide the two categories of responsibilities, for those questions regarding the U.S. and North Vietnam and those regarding South Vietnam. These questions are divided. Regarding the questions regarding South Vietnam you propose only recommendations to them and if so it is up to them to reach agreement on more. And in the future if our agreement will not be implemented then you may say it is on account of the non-implementation of South Vietnam. And we can say the same and we can say it is on account of non-implementation by the PRG. Therefore, we can say there is no responsibility for the implementation at all. Because you can always say that if our agreement is not implemented that it is because South Vietnam does not implement, and we can always say it is because the PRG does not implement.

But, in fact, you and I are the main responsible [sic], even in the talks in October last year and January this year. And I think this is our own, our common responsibility. These are the reasons we have proposed the format, the structure of our document.

Now the second question I would like to raise is, since now we have an Agreement and protocols, we will review the implementation of the Agreement and see which articles have been well implemented and which have not, and regarding those articles which are not well implemented, we should see how we can get implementation of these articles. Therefore, we should not change the principles of the articles

of the Agreement, the basic articles and the protocols. We should only point out the means, the measures, and the specific time periods regarding the number of questions on which we want better implementation.

The third question I would like to raise is that you should not link the question of the healing of the war wounds with other questions. The U.S. contribution to the healing of the war wounds is an obligation of the U.S. to our people, and it is beneficial to both parties which would lead to the normalization of relations between our two countries and lead to friendly relations between our two countries.

I propose that on the basis of these remarks we will follow chapter by chapter which questions we can agree with each other and which we cannot. These are my general remarks before we begin specific questions.

Kissinger: Mr. Special Advisor, first let me make a comment about the format. Of course, there were two formats of the final Agreement—one in the form of a two-party agreement and the other in the form of a four-party document, and if I remember correctly an enormous amount of time was spent on devising the formula for the four-party document as well as for the two-party document.

Now, also, the Agreement contains Article 9 in which the Government of the DRV and the Government of the U.S. agree to undertake the following principles for the exercise of the South Vietnamese people's right to self-determination. It is for all these reasons that it seems to us appropriate for us to distinguish between those matters in our responsibility to implement and those which according to the principles of the Agreement should be for the two South Vietnamese parties. Now I believe that there are only two ways around this difficulty. One is to convene a four party conference—to call Minister Xuan Thuy back and we will call back Ambassador Porter, and we will resume the discussions at Avenue Kleber. In fact, I have to make an aside here to you, Mr. Special Advisor, that Ambassador Porter has been so well trained by Xuan Thuy that now when he attends meetings at the White House he walks out of them.

I haven't given the second solution yet. The Special Advisor can't turn it down until I have given it. [Laughter] One of the rules of our negotiation is that no proposal can be refused until it is stated. The second procedure is to follow the outline we have here but to have a signal of what we have agreed to, and to take that obligation towards each other.

As for the work of the Joint Economic Committee, it is obvious that the dates of many of the required activities will tend to coincide and we do not state a formal linkage. Secondly, Article 21 of the Agreement states the intention of the United States, not an obligation, and

certainly not the amount. As I said, we are prepared to proceed on both of these.

Le Duc Tho: Have you finished?

Kissinger: Yes.

Le Duc Tho: First of all, you said you proposed to divide into two categories of problems—I don't agree to that—depending on the responsibility of the parties, on the responsibility toward North Vietnam and responsibility toward South Vietnam. Actually the Agreement has been signed and negotiated by you and I, and actually the settlement of the war in South Vietnam was done between the U.S. and North Vietnam. Now, we have to solve the question of violations of provisions of the Agreement. I think that responsibility toward North Vietnam and toward South Vietnam—it is illogical. For instance, regarding the military questions, you still continue to replace the armaments for South Vietnam; you still have military personnel disguised as civilian personnel in South Vietnam. You still have civilian people serving in military branches in SVN. Therefore you have some responsibility towards the military questions in South Vietnam.

Kissinger: It is a lucky thing that you don't have that problem.

Le Duc Tho: But we also have the problem of replacing arms for the PRG.

Kissinger: But you have no military personnel in South Vietnam!

Le Duc Tho: So your responsibilities are greater than ours.
[Laughter]

Kissinger: Your problem is that you have civilian personnel disguised as military. That is why you are sending them so many civilian supplies.

Le Duc Tho: No, we have civilians there and we are sending civilian supplies and we have to send them continuously.

Kissinger: So what you are undertaking is to stop doing what you are not doing. So after we sign this communiqué you will continue not doing what you are not doing.

Le Duc Tho: It is not true what you said, because it is stipulated in the Agreement that the introduction of troops and armaments are prohibited by the agreement. We abide by the provisions. Even another example, the ICCS, it is the responsibility for all the four parties and not just the South Vietnamese.

So your division of responsibility is not logical. Moreover, it is not in agreement with the Agreement that we have agreed to, that we have signed, that we have implemented. The responsibility for implementing the Agreement is the responsibility for all four parties—not that such and such a party has such and such responsibility and such and such parties have other responsibilities. And, in fact, the U.S. and DRV have

the main responsibility. As to your second solution, that we will have an understanding that both sides use their utmost influence over the South Vietnamese parties—we have experience with such a solution. We have experience with 8(c)—a promise to use utmost influence, but it had no effect at all.

Therefore, the purpose of our meeting is to review the implementation of the Agreement. We base ourselves on the spirit of the Agreement, the principles of the Agreement. And we will work for measures for insuring better implementation of the Agreement. In fact, there are only now the questions of time periods which are over now and we have to set new time periods. Therefore, your approach is contrary to the Agreement. So you want to divide responsibility and you don't realize the common responsibility of all the four parties. If you divide in such a way the responsibility, suppose now that something happens in South Vietnam—you will say it is because of the responsibility of Saigon. We would say it is because of the PRG. And we would feel free to take our action. Therefore, we maintain our stand. The reason is that we stick to the principles of the Agreement. There is no other way.

Kissinger: In that case, the answer is to convene a four-party conference, and then they can follow the old outline of the Agreement.

Le Duc Tho: But when we discussed the Agreement and protocols, the biggest difficulties we had to face. And these negotiations were conducted between you and I and without the four parties. And now to compare the other questions, there are only minor questions compared to that. We have only to look at the time limits.

Kissinger: But the Agreement in Article 9 says the political future of South Vietnam should be left to the South Vietnamese parties. And that is what we want to do.

Le Duc Tho: Yes, you are right. But it explicitly said in the Agreement already, that these questions must be settled by the South Vietnamese by themselves and the South Vietnamese parties will do their utmost to solve these by ninety days.

Kissinger: And they will be inspired by our work and recommendations and by our understanding to use our maximum influence.

Le Duc Tho: The use of our influence is another matter. But regarding the political questions of South Vietnam I have never thought about solving those political questions on behalf of the South Vietnamese with you. Even regarding the question of civilian personnel captured by the other party, I think that this question comes under the competence of the two South Vietnamese.

Kissinger: But how can we express that thought? If we can express that thought, I think we can probably find a solution.

Le Duc Tho: So I think that for Chapter III of the Agreement, Article 8(c), Chapter IV, Article 11, Article 12, we will leave to the South

Vietnamese for a solution. It is explicitly agreed already in the Agreement.

Kissinger: Can we just sign a communiqué and leave those articles to them? And that they should be strictly implemented?

Le Duc Tho: It is in the Agreement, and they are doing that job. Now, regarding the ceasefire. There should have been a ceasefire on January 28 but now the hostilities are still going on and we have to set a date to put an end to the fighting.

Kissinger: I agree to that.

Le Duc Tho: Regarding the replacement of armaments, it is the responsibility of the four parties.

Kissinger: I agree with that, particularly since it comes from the other two sides. As long as you transport civilian goods in tanks, this will be the case.

Le Duc Tho: But as long as the war goes on in South Vietnam, the other side by this fact will have torn the Agreement. So there will be difficulties to get another party to strictly abide by the Agreement. Therefore, the other day I told you, once the hostilities are ended we can say there are no longer problems about Article 7.

Kissinger: You've also told me there are no problems *now* about Article 7.

Le Duc Tho: At present, there are no problems yet, but if the war continues, then Article 7 will be torn then.

Kissinger: I hate to think what will happen when you really tear it.

Le Duc Tho: If the war is ended, and if South Vietnam has real peace, then no problems will arise about Article 7.

Kissinger: I understand the point. But that doesn't change the basic problem.

We agree to the ceasefire. [To Sullivan:] You put the ceasefire under B. [To Tho:] You see, Mr. Special Advisor, we have been meeting for only 45 minutes and already you have totally confused us.

Le Duc Tho: No, you are not confused yourself. You make the problem confused.

Kissinger: If I understand the Special Advisor . . . here we are debating the real meaning of the Special Advisor's subtle approach. Did I understand the Special Advisor correctly when he said that the clauses that should be obligatory included the cease-fire because they involve—he had some convoluted reasoning about American forces in South Vietnam which don't exist—but he wanted the cease-fire obligatory? After that he said certain other things would happen automatically, like Article 7. Now what has confused my colleagues is whether the other articles—those dealing with the political future of

South Vietnam and dealing with prisoners—can then be left to the other parties.

Le Duc Tho: It is very clear in the Agreement already on those subjects. It is said in the Agreement very clearly, and when we settled the problem with you, the Agreements are the responsibilities of both of us. Regarding the military provisions we are completely responsible for those. But regarding the political questions of South Vietnam, we are responsible for the general principles but how the specific questions are to be solved is left to the South Vietnamese parties. We will not interfere in the solution of the political problems of the South Vietnamese. This stand of ours remains unchanged. And actually the two South Vietnamese parties are negotiating now. And regarding the political questions of South Vietnam, you and I, the U.S. and the DRV, have also the responsibility of push forward the implementation, to promote the implementation of those provisions.

Kissinger: Don doc? Quick kick?

Le Duc Tho: So, generally speaking, it is a common responsibility. But those responsibilities have some limits.

Kissinger: Well, can we express that in our communiqué? That is what we are trying to accomplish.

Le Duc Tho: What is your view then, Mr. Advisor?

Kissinger: Well, I think we can probably find some solution to the problem of a cease-fire if we are not put in a position that we are prescribing to our South Vietnamese friends what their future should be.

Le Duc Tho: The provisions of Article 12 are very clear, and of Article 11 are very clear. Article 9 is very clear too.

Kissinger: Then we don't have to repeat them necessarily. We can drop them and just refer to them. Let's just say Articles 9, 11, and 12 should be strictly implemented.

Le Duc Tho: No, for example, the question of the National Council, in the Agreement it says it should be formed within three months. Now the period is over; we have to set some sort of time limit for its formation.

Kissinger: Actually if we want to be very precise, it doesn't say anything about when it should be formed. It says they should do their utmost within ninety days. It doesn't say the Council shall be formed within any specific time period.

Le Duc Tho: Article 11 has never been implemented; we have to repeat it to have it implemented. Secondly, the National Council for National Reconciliation and Concord has not been achieved. We have to describe it to have it implemented. The democratic liberties have not been implemented anywhere in South Vietnam. We have to repeat

them. There are points of Article 12 that have not been implemented—the National Council, the signing of an agreement on internal matters—and we repeat them. And we will review the implementation of the Agreement and those points which are violated we must remind, repeat them.

Kissinger: When the Special Advisor teaches philosophy at Harvard—which I hope will be soon because we are looking forward to seeing him there—he will have to explain to us why repeating something contributes to its implementation. But, I will leave this to his lectures, to give myself an excuse to visit him there. If we can express the idea that the implementation of these political provisions is to be left to the parties, then I think we can probably find a solution.

Le Duc Tho: One has to repeat then those because human beings are often forgetful.

Kissinger: That is our attitude toward Article 15.

Le Duc Tho: And when I teach the students at Harvard, I have to repeat the lessons to refresh their memory. [Laughter]

Kissinger: What about the second part of my statement?

Le Duc Tho: The spirit of Article 12 is very clear. Regarding the political problems of South Vietnam, those problems will be solved by the two parties. But they have not solved these questions in the past. We have to repeat it because they often forget things. And the spirit of Chapter IV coincides with what you just said but they have not been implemented.

When we come here our mind is very simple. We think we will have to review the implementation of the Agreement, those articles which have not been implemented, we think we will have to review the articles and find measures to improve the implementation.

Kissinger: We agree.

Le Duc Tho: I think you have a very complicated mind. We will not do anything contrary to the Agreement or the protocols.

Kissinger: Well, Mr. Special Advisor, we are perfectly prepared to go through the provisions of the Agreement to see how that could be better implemented. You seem to me to have agreed that some of the implementation is more in the hands of the South Vietnamese parties than others, particularly the political provisions. It seems to me it should not be an insuperable difficulty to find a way of doing that.

Le Duc Tho: Chapter IV reflects the idea of letting the two South Vietnamese parties settle the political problems. The Agreement is very clear, and when we negotiated the Agreement we had these principles in mind. And, actually, the two South Vietnamese parties now are negotiating on these questions. But when reviewing the implementation of the Agreement, I don't want to change what we have agreed

to. What changes we have to do now is only to fix new time periods. Such a time period that is over now and we have to extend, and those provisions that are violated, we will repeat those provisions of the Agreement. For instance, Article 7, regarding the transport of armaments; you wanted to repeat this article because you have been introducing a great quantity of armaments into South Vietnam. [Laughter]

Kissinger: The Special Advisor reminds me of the person who murders both his parents and then throws himself on the mercy of the court as an orphan.

Le Duc Tho: I have not understood your idea. [Laughter]

Kissinger: Well, Mr. Special Advisor, I think we have explained to each other our respective points of view on the format. I think perhaps we should defer that and see what our views are on the specific provisions. And then if we can arrive at an agreed text, we can discuss again the format. I want the Special Advisor to remember that under our format the Special Advisor's name will be mentioned three times in the text. [laughter]

Le Duc Tho: But my name is linked to yours. My name is there as many times as yours.

Kissinger: That is why I do it. I was too modest. My father likes to read my name three times in every document.

Le Duc Tho: Unfortunately, my father is dead now and he would have read my name twice. Because I am associated to you. Whatever you are, I am.

Kissinger: That's a threat!

Le Duc Tho: If your father reads your name five times my father would have read it too.

Kissinger: So as a sign of good will I propose we have both our names written several times. Both our names written together.

Le Duc Tho: So please go through the articles now.

Kissinger: All right. Well, we have agreed on Article 1. Is that right? [Working draft is at Tab A.]

Le Duc Tho: I agree with the wording in the understanding: "Immediately, completely and indefinitely."

Kissinger: Article 2, on mine-clearance, our navy tells us 5 and 30 is realistic and indeed the only possible commitment they can make.

Le Duc Tho: I agree that the mine-clearance should be gathered within 5 days after we reach an agreement. As to the time period for completion of mine-clearance you should reduce your number and I will increase my number. [Laughter]

Kissinger: It is like the old days. I feel almost sentimental.

Le Duc Tho: 25 days.

Kissinger: I will have to check it in Washington. There is no sense in promising something I might not be able to deliver. I will let you know tomorrow when we sign the document.

Le Duc Tho: Because the mine-clearing has been prolonged too much. So it should be completed the sooner the better.

Kissinger: I agree. It is really only a technical question. I will get an answer tonight.

Now, our article 3, we simply wanted, as a sign of goodwill and serious attitude, to point out to you that since you have a point of entry at the DMZ and no right to cross it, you will be under a handicap without this article.

Le Duc Tho: Do you follow your order and not the order of items in our draft?

Kissinger: We will follow the order that Minister Thach and Ambassador Sullivan used yesterday. Oh I see, you followed your order but our text. Well, since you don't have that article anyhow in yours, it doesn't matter where we put it.

Le Duc Tho: When Ambassador Sullivan and Minister Thach discussed yesterday we follow the order in our draft but we based it on the two documents. But we think it would be better to follow the order in our draft because this follows strictly the order of the Agreement, which is easier to have in mind.

Kissinger: All right. The next one is the ceasefire. OK, we will reserve on that point until we get to it.

Le Duc Tho: Yes.

Kissinger: You will agree to your proposal?

Le Duc Tho: We will discuss item by item.

Kissinger: [laughs] Yes, but item by item of your draft, and our language. OK, but we are reserving on how to organize it later.

OK, on the ceasefire, I understand that we are agreed. Except for the difference produced by whether it is a recommendation or an instruction. Is that correct?

Le Duc Tho: And the date. And the level of who will issue the order.

Kissinger: I thought it was the high commands of the two parties. What level do you want it?

Le Duc Tho: To be more effective, we prefer that it be issued at a more governmental level.

Kissinger: But the high command is the language we used in the Protocol, and I would hate to see the Minister repudiate his own work.

Le Duc Tho: I agree with you. [Laughter]

Kissinger: Is it true that Mr. Aldrich is also legal advisor to your organization?

Le Duc Tho: I am the man who solved problems and you are also my legal advisor.

Phan Hien: Do you have a document we can see?

Kissinger: Well, this is one, with all the disagreements in brackets. [He hands over copy of US working draft at Tab A.]

Le Duc Tho: What is your view about the level who should issue the date?

Kissinger: The date? I think midnight Sunday, Indochina time.

Sullivan: This is a SVN operation. It must be in South Vietnamese time.

Kissinger: Oh yes. It must be in South Vietnamese time. Well, we used Greenwich Mean Time in January so why don't we use it now too?

Le Duc Tho: What time is that, what date?

Kissinger: Sunday, the 27th—my birthday. But I don't get a present.

Le Duc Tho: So you will be delaying by 5 days or one week?

Kissinger: No. Let me explain the reality. I don't have the impression that we are going to finish this document tonight.

Le Duc Tho: To be sure.

Kissinger: Assuming we are going to finish it tomorrow, we have to compare texts Wednesday. I have to go back to America. I can not announce it until I return to America. So we thought we would announce it at 10:00 a.m. Friday morning in America, and let it be effective 48 hours afterward. Or have the orders go out 24 hours after we announce it, and go into effect 24 hours after that. Do you think your units can hold out in Sa Huynh that long?

Le Duc Tho: 24 hours after the announcement, then the order will be issued?

Kissinger: And 24 hours after that it will be effective.

Le Duc Tho: So the order will be issued Saturday.

Kissinger: Yes. To be effective 24 hours later.

Le Duc Tho: I agree.

Kissinger: He is becoming mellower.

Le Duc Tho: Your argument has logic.

Kissinger: So we will put it in Greenwich Mean Time. And we will let Sullivan and Thach work it out. I think it is 7:00 Greenwich Mean Time. Or whatever it is. Whatever is midnight Sunday in South Vietnam. It is in that area.

Le Duc Tho: It is not Saturday, then it is Sunday.

Kissinger: The order will be given Saturday and it will be effective Sunday.

Le Duc Tho: The order will be given the 26th of May.

Kissinger: Right, and become effective the 27th.

Le Duc Tho: At what time will the order be issued Saturday?

Kissinger: Twenty-four hours after we make our announcement. I propose 10:00 a.m. Washington time. We can do it at 11:00 a.m. on Friday for the communiqué if you prefer.

Le Duc Tho: It should be at 10:00 because in our country there are no more broadcasts.

Kissinger: That is why I proposed 10:00.

Le Duc Tho: The order of ceasefire should be identical.

Kissinger: How are we going to get that done?

Le Duc Tho: We have given you a draft of the order [Tab B].

Kissinger: That is too concrete. [Laughter]

Le Duc Tho: So please consider our draft.

Kissinger: Well, we will . . . I think Thach and Sullivan can work it out. It is a practical problem. The simpler the better.

Le Duc Tho: I heard Ambassador Sullivan sigh. [Laughter]

Kissinger: All right. What is next? The military commissions? I understand that we are essentially agreed on that.

Le Duc Tho: Regarding the delimitation of areas of control, you propose 30 days.

Kissinger: Yes.

Le Duc Tho: You propose 30 days for the delimitation.

Kissinger: That is right.

Le Duc Tho: We find the following difficulties in this connection. First, after the ceasefire, the two South Vietnamese parties must discuss the return of the armed forces to the positions they occupied January 28.

And then they have to determine the corridors and routes, and then the delimitations of their areas of control. I am afraid that this work can not be completed in one month.

Kissinger: So what do you propose?

Le Duc Tho: I propose that they do this “as soon as possible.” I have no objection to 30 days, but I am afraid they will not be able to complete their work within 30 days. This is some practical situation.

Kissinger: Well, I understand the Special Advisor’s point. And I only wonder where they are going to put the Two-Party teams under this arrangement.

Le Duc Tho: Now they have a provisional delimitation of zones of control. Therefore, they have to send their teams there as the Four-Party Military Commission decided before. Because where conflicts of offense happen, they are known to the two parties.

Kissinger: Now let me understand this.

Le Duc Tho: On this basis the Two-Party Joint Military teams should be located.

Kissinger: Are you saying that the Two-Party Teams should be located where the Four-Party Teams were located provisionally, until the areas are delimited? And after that they should move from there to the borders of the zones? I just want to be sure I understand. I am not disagreeing.

Le Duc Tho: In a word, now the two parties will agree on the points of conjunction of the two areas of control and the points where conflicts happen very frequently, and they will locate the Two-Party Joint Military Commission and the teams there.

Kissinger: I think we should get our two saboteurs together to work out how to express it.

Sullivan: It is impossible.

Kissinger: It has almost no concrete meaning, but we can express it. As I understand the Special Advisor, he says the teams must move provisionally to a border that is not demarcated and stay until it is demarcated. All right. I think that can be done.

Le Duc Tho: But there are zones where the border . . .

Kissinger: That is OK. And we accept "as soon as possible."

Le Duc Tho: There are places where it is already clear. Quang Tri.

Kissinger: Sa Huynh.

Le Duc Tho: The Saigon people will have to return to us Sa Huynh. [Laughter]

Kissinger: All right. "As soon as possible." On the rest, we are agreed.

Le Duc Tho: Agreed.

Kissinger: Where is that draft? Eight?

Le Duc Tho: Article 8 of the Agreement, our point 5.

Kissinger: What happened to your point 4?

Le Duc Tho: We have agreed on point 4.

Sullivan: We are agreed.

Kissinger: That means you have also agreed about Article 7. Article 7 is agreed?

Le Duc Tho: We agree with Article 1, but are you putting Article 15 in with Article 7?

Kissinger: Well, eventually we have to put Article 15 with Article 7 so that all the roads that you are building across the demilitarized zone won't be wasted. [They confer]

Le Duc Tho: I agree to your proposal regarding Article 15 but you should agree to mine on another article later. [Laughter]

Kissinger: Each will be discussed on its merits! I will agree to every reasonable proposal. All right. Article 15 will then be listed in association with Article 7.

Minister Thach: But with the reservation of our Special Advisor.

Kissinger: No, he suddenly realized he couldn't move anything across the demilitarized zone, unless we made it possible with this agreement. So it is a great concession we made to you.

Just for clarification, could we read what we have on Article 7?

Aldrich: In the paper we handed you, it is paragraphs 4, 5, and 6 of Section B: "In conformity with Article 7, the two South Vietnamese parties [should] [shall] not accept the introduction of armaments, munitions and war material into South Vietnam. However, the two South Vietnamese parties are permitted to make periodic replacements, as authorized by Article 7, through designated points of entry and subject to supervision by the Two-Party Joint Military Commission and the International Commission of Control and Supervision."

At this point we would insert the language concerning Article 15: "In conformity with Article 15, military equipment may transit the demilitarized zone only if permitted to be introduced into South Vietnam as replacements pursuant to Article 7 and then only by direct route to a designated point of entry."

And finally, a new paragraph, "24 hours after the entry into force of the ceasefire, the Two-Party Joint Military Commission [should] [shall] discuss the modalities for the supervision of the replacement of armaments, munitions and war material permitted by Article 7 at the three points of entry already agreed upon for each party. Within 15 days of the entry into force of the ceasefire, the two South Vietnamese parties [should] [shall] also designate by agreement three additional points of entry for each party in the territory controlled by that party."

Le Duc Tho: I agree. But regarding Article 15 of the Agreement I agree to the spirit, but there are some minor changes to be discussed by Ambassador Sullivan and Minister Thach. No major changes, no changes in substance.

Kissinger: Minister Thach has no minor problems. He has a special obsession about the demilitarized zone. It was his native place originally.

Le Duc Tho: I solved this question very easily.

Kissinger: The next question is regarding Article 8.

Le Duc Tho: Regarding Article 8, we have agreed on the military personnel and now only remains civilian personnel.

Kissinger: Right.

Le Duc Tho: Regarding Article 8, I propose only to delete the word, "identified" and write the same word as in the Agreement.

Kissinger: Which is what?

Le Duc Tho: As in the Agreement. There is no word "identified." Because if we should wait for the identification, it will take tens of years before they are identified and then the Vietnamese detainees will remain forever in prisons. I propose also that we delete the words "do their utmost" and I propose "as soon as possible," and I propose 45 days. Because they have been doing their utmost for too long and their work is not completed yet. And we should say the two parties should do it "as soon as possible" and they should say within 45 days. So, I agree with you—45 days.

Kissinger: Could you read the whole text to me so I know exactly what you have accepted? Whatever he is giving to you, you are tough enough without it. [Referring to drink being given Le Duc Tho] So, don't drink too much of it.

Le Duc Tho: It is mineral water. So in the draft you have just given us, point 7(a): "Any captured personnel covered by 8(a) who have not yet been returned [should] [shall] be returned without delay and in any event within no more than 45 days." Point (b): "All Vietnamese civilian personnel covered by 8(c) [should] [shall] be returned as soon as possible. The two South Vietnamese parties [should] [shall] accomplish this within 45 days."

Kissinger: First, let me say we discussed yesterday the draft that the Minister and Ambassador Sullivan worked out. We can drop the word "identified" if you accept the sentence worked out by Sullivan and Thach. "All Vietnamese civilian personnel covered by Article 8(c) [should] [shall] be identified immediately and returned as soon as possible. The two South Vietnamese parties [should] [shall] do their utmost to accomplish this within forty-five days."

(b) "All the provisions of the Agreement and the Protocol regarding the return of captured and detained Vietnamese civilian personnel should be scrupulously implemented." So if we take that sentence, we will drop "identified."

Le Duc Tho: But within how many days?

Kissinger: Wait a minute, I haven't finished. I think we should not change the original Agreement and therefore we cannot go beyond the phrase "do their utmost." I know the Special Advisor would not want to amend the Agreement.

Le Duc Tho: But it is not a change of the Agreement to delete these words "do their utmost."

Kissinger: But why not?

Le Duc Tho: "To do their utmost to accomplish this" and "to accomplish this" are the same.

Kissinger: Within forty-five days. We are prepared to return to the original text of the Agreement.

Le Duc Tho: There is no mention of Article 15 in the Agreement.

Kissinger: Yes, Article 15 is in the Agreement!

Le Duc Tho: This wording, “to do their utmost,” is a vague phrase. We should get rid of it.

Kissinger: But it gives a sense of enormous energy. Because since we know that Vietnamese always observe an agreement scrupulously, to say “they do their utmost” on top of it adds something more.

Le Duc Tho: I think that the two South Vietnamese parties will discuss this question. Therefore, if we should delete this statement, “do their utmost,” it is to be more positive, more active.

Kissinger: Nothing is more positive than “do their utmost.”

Le Duc Tho: But your phrase “do their utmost,” in your conception is the weakest.

Kissinger: That just shows the skeptical turn of mind of the Special Advisor.

Le Duc Tho: Because through experience we must be suspicious.

Kissinger: Well, we can stop just after “as soon as possible.” That is a positive statement.

Le Duc Tho: “And the two South Vietnamese parties should accomplish this within forty-five days.” We agree to that. [Laughter]

Kissinger: Well, why don’t the Minister and the Special Advisor sign the document then?

Le Duc Tho: What is your view now?

Kissinger: Well, my view is that we should stick to the text of the Agreement.

Le Duc Tho: So you have really stuck to the wording of the Agreement regarding Article 15! As you added a very long sentence to it.

Kissinger: But it has no practical significance since you’re not doing anything in the demilitarized zone anyway. [Laughter] This has a practical significance.

Le Duc Tho: If the practical meaning is so, but the text of the Agreement is important to us.

Kissinger: Yes, but this is an article that really belongs to the two South Vietnamese parties and it is really difficult for us to go further than the Agreement.

Le Duc Tho: So, I propose to leave it aside for the time being.

Kissinger: Shall we take a ten minute break? We have been talking for two hours. We have the films [of the initialling ceremony and Hanoi trip] set up. It will only take fifteen minutes.

Le Duc Tho: If you will give it to us I will screen it at home.

Kissinger: But I have never seen it.

Le Duc Tho: Okay, then I agree.

Kissinger: Okay. We may show you a few elephants on the Ho Chi Minh Trail.

[The meeting recessed at 5:10 p.m.—The films were shown in the living room.]

[Dr. Kissinger and Le Duc Tho then conferred privately on Cambodia, along the following lines:]

Kissinger: We believe that there could be a political settlement as there was in Laos with initially two zones of control. Then we could examine the possibilities of Sihanouk as Chief of State.

Le Duc Tho: Sihanouk should be Chief of State of a unified country. There should not be a division into zones of control.

Kissinger: But we believe there must be a political settlement.

Le Duc Tho: Naturally. We have solved the Vietnamese problem and have contributed to the solution of the Laos problem. Therefore, concerning the Cambodian problem there must be a political solution. There is no other way. But the decision has to be taken by the Cambodian parties themselves.

Kissinger: We both have some influence with those parties.

Le Duc Tho: Some influence. Maybe you have a great deal of influence, but we have just some influence. Our allies are very independent.

Kissinger: But they still depend on you for their supplies.

Le Duc Tho: That is not quite true now. It was true previously while the war was still going on in Vietnam, before the Paris Agreement. But now they can do most of their own supplying themselves. Most of the weapons they have they have captured from the Lon Nol people.

Kissinger: We have solved many problems together. It seems to us that in Cambodia we must bring about a situation in which a political evolution can take place. Then we can stop the bombing, and all U.S. military activities in Indochina would be ended.

Le Duc Tho: We also earnestly want a settlement. For our part we have talked with our Cambodian allies about a peaceful settlement in Cambodia but they are sovereign. This is their decision to make. So as I have told you, we have settled the Vietnam problem and seen a settlement of the Laotian problem. There is no reason for us to want a continuing war in Cambodia.

Kissinger: You said that in January and nothing has happened.

Le Duc Tho: Those are the difficulties we have to face. I have explained them many times. We have no interest in the present situation in Cambodia continuing. Your assessment of the situation in Cambodia coincides with certain points in Sihanouk's statements. You have made some progress.

Kissinger: I wouldn't go that far. If the war in Cambodia is not ended it is going to present insurmountable difficulties for us in doing what we want to do regarding normalization of relations. There will be sharp debates and we will have to accuse you of many things.

Le Duc Tho: It would not be correct for you to accuse me. On the contrary, I should accuse you.

Kissinger: We shouldn't accuse each other and we should move towards normalization.

Le Duc Tho: And we should go to a peaceful solution of the Cambodia problem.

Kissinger: I agree but we have to do this with some sort of schedule in mind. We should give ourselves an objective.

Le Duc Tho: I understand.

Kissinger: If the Special Advisor speaks to his students they will listen.

Le Duc Tho: They are not my students; they are allies.

Kissinger: We and you will speak to the Chinese and between the two of us we can meet a schedule.

Le Duc Tho: I have always explained to you that we should take measures to bring about a stabilization of the situation in the whole area and bring about a new era of DRV–U.S. relations.

Kissinger: That is why we should give ourselves a schedule.

Le Duc Tho: Sometimes schedules do not depend on us.

Kissinger: We had a schedule on Laos but it wasn't kept very well.

Le Duc Tho: But the situation is different. Each problem is separate. Laos and Cambodia and Vietnam. As I told you, we realize you have difficulties; you know about these. But we also have our difficulties.

Kissinger: And you know yours and you can solve them.

Le Duc Tho: It is very difficult; it is not easy to solve.

Kissinger: I understand.

Le Duc Tho: Regarding Laos we could come to an agreement with our allies very easily.

[The formal meeting then resumed at 6:00 p.m.]

Le Duc Tho: Shall we resume, Mr. Special Advisor.

Kissinger: Yes.

Le Duc Tho: As to the visit of the National Red Cross Societies to the places of detention, we propose that they visit immediately. But, if you think later, then we propose ten days after we reach agreement here. Your proposal is thirty days. I think it is too long. Because in the Protocol it is provided for fifteen days.

Kissinger: First, there are two differences. The first thing is to designate them according to the terms of the Protocol.

Le Duc Tho: They have decided this question—the Canadians and the Polish.

Kissinger: Oh? We think the Polish will never find the camp. I have never heard of that.

Le Duc Tho: They have decided that, the Canadians and Poles. The obstacle now is that we propose that the two South Vietnamese parties go along with the National Red Cross Societies but the Saigon people disagree to that. Therefore, we propose that we put here “the visit of the National Red Cross Societies.” As to whether the South Vietnamese parties go along with them, we leave this question to the South Vietnamese parties to decide.

Kissinger: I don’t understand.

Le Duc Tho: We proposed that in within fifteen days they will visit places of detention.

Kissinger: But then he said if each of the parties don’t go along . . . I don’t go along . . . I don’t understand that.

Le Duc Tho: Because during the discussion of the two South Vietnamese parties it was proposed that the two South Vietnamese parties would go along with the National Red Cross Societies, but the Saigon people did not agree. So I want to say here that the Red Cross Societies will visit within ten days. As to the other questions, we will leave that to the two South Vietnamese parties to decide.

Kissinger: Well, why don’t we say fifteen days?

Le Duc Tho: I agree.

Kissinger: I have given you 15 days. You now owe me ten days on something. [Laughter] We will use your language and instead of “immediately” we will say fifteen days. All right?

Le Duc Tho: [nods yes] Now point 6, Article 11. This question should have been carried out three months ago, immediately after the signing. But now this time period has lapsed and no democratic liberties have been applied in South Vietnam. Therefore, we want to repeat Article 11, so that they can be applied by the two South Vietnamese parties. We will repeat the words of the Agreement without any change.

Kissinger: Yes, but the words of the Agreement are very clear. I can’t see why we just can’t refer to Article 11?

Le Duc Tho: If we have to repeat this, it will take only a few lines more. We have enough papers to do this. You are too parsimonious. [Laughter]

Kissinger: Yes, but if we repeat it as in your draft, it seems like something new, and it shakes people’s faith in the inviolability of the Agreement.

Le Duc Tho: All right. I agree. We will go with the specific wording of the Agreement.

Kissinger: That's your original proposal! There are three stages in negotiating with the Special Advisor. First, he makes a proposal. Second, he agrees with Minister Thach's formulation. Third, he agrees with his own reformulation of Minister Thach's formulation.

Le Duc Tho: So I propose to stick to the words of the Agreement here, to avoid any dispute.

Kissinger: Well, I think people will be so fascinated by what we issue that when we refer to Article 11 they will run to every bookstore in Saigon to look up Article 11. [Laughter]

Le Duc Tho: So, we maintain our proposal. On Article 15, you wanted to have it very concrete, and it is something very new. Article 11 is in the Agreement, and you are unwilling.

Kissinger: Well, let's leave it for the time being and come back to it.

Le Duc Tho: I wonder what is the reason you have to put it aside? Because it is just the same words as in the Agreement.

Kissinger: Well, for one thing, it should make clear that we are just quoting the Agreement. We should say "in implementation of Article 11, which reads as follows." But this is just for consideration. [Laughter] I provisionally consider it. I have written it down but I have not accepted it.

Le Duc Tho: Now, let us come to Article 12. And your suggestion here is the time period. Previously it was said in the Agreement that the South Vietnamese parties should do their utmost to form the National Council of National Reconciliation and Concord within three months. Now we propose that they form the National Council as soon as possible but within thirty days.

Kissinger: Now wait a minute. You accept our phrase? Let me understand it. You say "establish it as soon as possible." You mean within thirty days? Is this your proposal?

Le Duc Tho: So our original proposal is that: "In implementation of Article 12 of the Agreement, the National Council of National Reconciliation and Concord consisting of three equal segments should be formed as soon as possible, no later than thirty days after the entry into force of the strict ceasefire and the enforcement of democratic liberties, with a view to promoting the two South Vietnamese parties' implementation of the Agreement, achievement of national reconciliation and concord, ensurance of democratic liberties, and with a view to organizing genuinely free and democratic general elections under international supervision. The general elections will be held no later than six months after the entry into force of the strict ceasefire referred to in paragraph B.1, the full ensurance of democratic liberties, and the formation of the National Council of National Reconciliation and Concord. The two South Vietnamese parties will sign an agreement

on the internal matters of South Vietnam as soon as possible, and within two months at most after the publication of this communiqué."

Kissinger: This is a different formulation than what we have and that is simply much too specific on the political questions. First, on the National Council, if you read Article 12(b) there is no exact deadline for its coming into being. Because it refers to the political settlement, not to the Council. Secondly, this is adding many clauses. I think the Minister got carried away with himself, because all the articles we got rid of in October he has managed to put in this communiqué. I think that they just initialed another Agreement.

Le Duc Tho: So our proposal is as follows: "After the ceasefire comes into effect, the two South Vietnamese parties will discuss and agree on the formation of the National Council of National Reconciliation and Concord as soon as possible." And, then, the other point is just like Article 12, and only for the time limit for the settlement of internal matters we propose 30 days. But you propose 15 days. We propose 30 days.

Kissinger: Who will take 38 days?

Le Duc Tho: We proposed 60 days. Now we agree 45 days.

Kissinger: OK. I understand 45 days. Now let me say what I think you are saying. Let me sum up my understanding of what you have just said. I have honestly the impression that if Minister Thach would go out to dinner we would settle this thing very quickly. My understanding is as follows: that after the ceasefire the two SVN parties will meet "as soon as possible" to set up the National Council.

Le Duc Tho: They are meeting now!

Kissinger: Well, OK, they will set up the Council as soon as possible, and they will also do their utmost to settle the internal problems within 45 days. Did I understand correctly?

Le Duc Tho: "After the ceasefire the two SVN parties will set up the National Council for National Reconciliation and Concord composed of three equal segments as soon as possible." There is no word "do their utmost" in this sentence.

Kissinger: I understand.

Le Duc Tho: Then "they will do their utmost to settle on internal matters within 45 days."

Kissinger: That is OK. We accept that.

Sullivan: But on the other . . .

Kissinger: Don't argue with me. I am going to teach him negotiating. We accept the two sentences that Mr. Phuong has just announced.

Le Duc Tho: Regarding the general elections, I agree with the time period of six months on the condition that first, after the ceasefire and

the democratic liberties are insured, then the National Council should have been formed, and then six months after the carrying out of these things, then there will be general elections. Because it is our view that without a ceasefire, without the insurance of democratic liberties there cannot be free and democratic general elections. After the ceasefire the democratic liberties should be assured so that everyone can express their views, and then the Council can be set up, and six months afterward there could be elections.

Kissinger: I had asked the Special Advisor if that was based on his experience in Hanoi with elections. But our view, Mr. Special Advisor, is the following: when we say six months, the establishment of the Council is a fixed date; that one can understand. The assurance of democratic liberties is a process, that is even being argued about in our country. And, therefore, we think the six months should date from the time of the formation of the National Council of National Reconciliation and Concord.

Le Duc Tho: Here I should mention about the democratic liberties. In the Agreement it is mentioned that “immediately after the ceasefire the democratic liberties should be insured,” and the formation of the National Council and then the organization of the elections.

Kissinger: Well, we are willing to refer to the paragraph on insurance of democratic liberties in a separate paragraph. But the date should have a specific thing to date from. We are willing to say within six months of the formation of the National Council. But these won’t be the same dates anyway.

Le Duc Tho: What we want is that after the ceasefire then the National Council should be formed and the democratic liberties should be insured. And after carrying out all these things, then six months afterward the general elections will be organized.

Kissinger: Yes. We understand. We have a separate paragraph about democratic liberties. We are not arguing about that. But we are saying that when you talk about elections it should be from some specific date. First you have the ceasefire and then formation of the National Council, and then six months after that you should have the elections. And since it is in any event the duty of the National Council to provide free elections, then they can decide when the democratic liberties have been fulfilled and when the elections should be organized.

Le Duc Tho: This is what I have in mind. After the ceasefire—it will be on a fixed date.

Kissinger: Right.

Le Duc Tho: Then on Article 11, immediately after the ceasefire all democratic liberties must be insured. Then there will be the formation of the National Council, and then six months later there will be the elections. This is the order of provisions I have in mind.

Kissinger: I agree but it is two separate things. This is already in the Agreement like that. What we are saying in this paragraph, we should only talk about the ceasefire and the National Council, which are fixed dates, and the National Council has the responsibility to see to that the elections are free.

Le Duc Tho: Although the democratic liberties are dealt with under Article 11, here we would like to say that one condition for the organization of the general elections is that the democratic liberties should be insured.

Kissinger: It doesn't say that in the Agreement.

Le Duc Tho: It is not said in the Agreement, but what we want is that the insurance of the democratic liberties set in Article 11 be applied before the organization of the general elections.

Kissinger: I understand, but the National Council already has the responsibility to do that. They themselves will know what to apply. It is implicit in the term "free and democratic elections."

Le Duc Tho: But here we should state that the insurance of the free and democratic liberties should precede the democratic elections. And this is in conformity with the Agreement.

Kissinger: In the Agreement it only says the Council should organize free and democratic general elections, and we are prepared to say that.

Le Duc Tho: But the democratic liberties must precede general elections, so that all the citizens, the electors, can freely express their own views. And only after the application of democratic liberties can free elections be held. And moreover, the democratic liberties must be insured immediately after the ceasefire.

Kissinger: But that is already part of the Agreement. After all, it is the duty of the National Council to organize free and democratic elections; that presupposes democratic liberties.

Le Duc Tho: But what we want is immediately after the ceasefire the democratic liberties should be applied.

Kissinger: But we have already put this into the text, provisionally.

Le Duc Tho: But we would like to add that before the organization of general elections then the democratic liberties should be implemented.

Kissinger: But that is the job of the National Council, and I wouldn't want to interfere in the job of the National Council, which will proceed in a spirit of concord.

Le Duc Tho: So I propose the following then: Immediately after the ceasefire, under Article 11 the democratic liberties should be implemented immediately. Then the formation of the National Council of

National Reconciliation and Concord; the two SVN parties will set up this Council as soon as possible. We have proposed within 30 days but you have not yet agreed to it. Then regarding the general elections, we will leave that to the two SVN parties to decide when the organization of the general elections will take place. [The two sides confer.]

Kissinger: What we are debating here is that what you are trying to get us to do is to support the PRG position at St. Cloud. Did I misunderstand? Did I misunderstand the intention here? [Laughter]

Le Duc Tho: You are right.

Kissinger: And, of course, we have the opposite intention.

Le Duc Tho: It is two different intentions.

Kissinger: That has slowly dawned on us. Our minds are not as fast as Vietnamese minds! So we now have to find a more neutral formulation, or else leave it up to the parties at St. Cloud. I have met the Chief of the South Vietnamese delegation, and he is a man of great brilliance. He has a very complex mind. So, really, Special Advisor, this is our problem here. And now that we understand each other here, should we try to solve the problem?

Le Duc Tho: Let me express our views. So our intentions are different now. So we should try to find a solution.

Dr. Kissinger: Exactly.

Le Duc Tho: So "In conformity with Article 12, the two SVN parties shall set up the National Council as soon as possible." We propose 30 days and you disagree, so we propose "as soon as possible." Then "the National Council should be composed of three equal segments"—just as in the Agreement. As to the internal matters of the South Vietnamese, we will leave those to the people of SVN to settle among themselves, within 45 days.

Kissinger: "Do their utmost, and no democratic liberties and no elections."

Le Duc Tho: As to the democratic liberties, we write it as Article 11. As to the elections it comes under the rubric of the internal matters of SVN, and we will leave it to the SVN parties.

Kissinger: I think the Special Adviser has understood us but I don't think Mr. Thach has sufficiently understood the problem. The problem is that the South Vietnamese want a date for elections, and the PRG want a date for democratic liberties. We agree to what you said on the National Council. This we accept. And then we could say "the South Vietnamese parties will discuss the internal matters including democratic liberties under Article 11 and free elections under Article 12 as soon as possible and within 45 days."

Le Duc Tho: Article 11 is explicitly written before that and immediately applied. As to the internal matters of SVN, we will stick to the

words of the Agreement. Now the two SVN parties will settle their own matters. In other words, we maintain Article 11 and 12 of the Agreement; the only change is to change 90 days into a 45 day period.

Kissinger: Then why don't we just say Article 11 and 12 should be strictly implemented?

Le Duc Tho: No, we have to write it in more detail. A number of points should be repeated because a number of points have been violated. It is not contrary to the Agreement. It is the best solution possible considering the two different intentions. [Both sides confer.]

Kissinger: Do you still have a deadline on the internal matters?

Le Duc Tho: 45 days. Originally it was 90 days. Now the 90 days are over. It is your proposal.

Kissinger: The 45 days?

Le Duc Tho: Your proposal.

Kissinger: Otherwise nothing is our proposal.

Le Duc Tho: You proposed 60 days. We disagreed and proposed 45 days.

Kissinger: You proposed 60 days. No, we accepted your proposal.

Le Duc Tho: You reduced it to 45 days.

Kissinger: That was a mistake. We meant 45 days.

Le Duc Tho: Anyhow, you want to increase the time period?

Kissinger: We would like to put all the political provisions on the same level of urgency.

Le Duc Tho: What do you mean?

Kissinger: What I mean is that we should put all the political provisions into one article of our communiqué. That would facilitate . . . Then we could even consider following your format.

Le Duc Tho: But what is your draft?

Kissinger: We don't have it here. [A cable from Saigon is brought in. Tab B] Can I see the message since it is addressed to me? We have to take a few minutes break to study this.

Le Duc Tho: What is about your message?

Sullivan: We will ask you to compose the answer!

[The meeting broke briefly from 7:10–7:25.]

Le Duc Tho: I think the time is over now, and I am a little tired. I will express my views and we will resume tomorrow morning. The details can be worked out by Ambassador Sullivan and Minister Thach and there are only one or two problems left.

Kissinger: [Laughs] One of them is called Cambodia.

Le Duc Tho: I would like to clarify my views regarding Articles 11 and 12. In brief, we maintain Article 11 as it is written in the Agree-

ment. We maintain it as it is written in the Agreement except where it says that the two SVN parties will do their utmost to sign an agreement on matters of internal matters in SVN in 45 days.

Kissinger: All right.

Le Duc Tho: Now, regarding Article 17, the two parties have agreed to the Two-Party Joint Military Commission. Regarding Article 20, we write . . . I agree to your writing in the document.

Kissinger: Now wait a minute, you are going too fast for me. What is it you are writing on Article 20?

Le Duc Tho: What you had in your document.

Dr. Kissinger: This is what we took from your document.

Le Duc Tho: As to the understanding it is another matter.

Kissinger: OK. I understand now.

Le Duc Tho: Regarding Article 21, I agree that the work of the Joint Economic Commission should be completed by June 15. Regarding Article 18 . . .

Kissinger: I know he would leave the most important for last.

Tho: Regarding the ICCS I will write it as it is written in the Agreement, and we agree to the sentence you have added.

Dr. Kissinger: OK.

Le Duc Tho: That "the two SVN parties should/shall issue necessary instructions to their personnel and take all such other measures to insure their safe movement." It is as to the spirit of the sentence; as to the wording, Minister Thach and Ambassador Sullivan will discuss.

Kissinger: All right.

Le Duc Tho: So I have expressed my views regarding all the points of the joint communiqué. In my view, we are issuing a joint communiqué signed by you and I. We have three understandings: One, regarding Laos, we will write the understanding as I have presented it to you the other day. We will achieve the political problems of Laos: "The DRVN and the U.S. have been informed by the Lao parties that the formation of the Provisional Government of National Union will be achieved at the latest at 30 days after May 1973, in conformity with the Agreement on Laos." But we will do our utmost.

Regarding Cambodia, I have explained to you lengthily on this question, and I maintain what I have said.

We have another understanding, regarding the civilian personnel. We maintain your commitment before we signed the Paris Agreement. It is nothing different. [He hands over three DRV draft understandings: on Laos, Tab C; on Cambodia, Tab D; and on Vietnamese civilian detainees, Tab E.]

Kissinger: And what is the third.

Le Duc Tho: Laos and the captured civilian personnel. I propose now to adjourn and after dinner whatever should be discussed will be discussed by Minister Thach and Ambassador Sullivan.

Kissinger: I suggest that they have dinner here together.

Le Duc Tho: All right.

Kissinger: Mr. Special Advisor, Mr. Sullivan and I have just voted to send Mr. Thach home and keep you here. Because you are easier to work with.

Le Duc Tho: I will discuss with you tomorrow.

Kissinger: May I make two quick observations? I know you are in a hurry to get away. First, it is important for us to get part (c) of our draft in the communiqué [about MIA] because of the emotional concerns of our population regarding this question. If necessary, we can make it as a separate document between us.

Secondly, on the political matters, I think we understand each other's problems, and maybe Mr. Thach and Ambassador Sullivan should have another talk before we come back to it. I think we have narrowed our differences but there are still important differences.

Le Duc Tho: Regarding the political questions?

Kissinger: Yes, regarding the political questions, Article 11 and Article 12. I recognize that you have made an effort and we will take it into account. But there are still important problems to discuss. Now, on Laos, 30 days is too long, as I have told you on a number of occasions. And on Cambodia we have had an opportunity to discuss it privately in the other room and I would like to lay very great stress on the central importance of the considerations we put forward to you. We have to maintain our position with respect to it. But we can leave that to tomorrow.

Now, in planning our work, Mr. Special Advisor, I can probably prolong my stay until Wednesday, but it is absolutely the last day for me. I must be back Wednesday night. So we should keep that in mind. And we need to come to the understandings tomorrow, and we would need a day to compare texts also.

And now I should let you go. Unless you wish to reply.

Le Duc Tho: Let me speak a few words. Regarding the missing. I have told my views to Minister Thach and he will discuss them with Ambassador Sullivan. Regarding the political questions, I maintain my views, but if you want to discuss anything further, Minister Thach and Ambassador Sullivan can discuss them. I think it is the only possible solution to the difficulties I have told you.

Regarding Laos, tomorrow I will further express my views regarding our difficulties in this—why there must be such a time period because it is necessary because a shorter time period will not be so

sure and we may have to prolong it later. I have to return and to agree with our allies and, therefore, it will take some time. But it is not my intention to prolong a few days more if our allies agreed to that.

As to the Cambodian question, we know it is a matter of interest to you, but we have difficulties. And I can say that in the course of the negotiations it has been the problem which has taken the greatest amount of time. And I don't think there is another solution possible other than what we have written to you in our messages. We have made a great effort and we will continue to make an effort in this direction.

And, I propose that tomorrow morning we will meet at Gif at 10:30.

Kissinger: 10:30 is good. All right. If there is a problem we will call each other.

[The meeting adjourned for the evening at 7:40 p.m.]

61. Memorandum of Conversation¹

Paris, May 22, 1973, 10:30 a.m.–4:40 p.m.

PARTICIPANTS

Le Duc Tho, Representative of the Government of the DRV

Nguyen Co Thach, Vice Minister for Foreign Affairs

Phan Hien, Ministry of Foreign Affairs

Col. Hoang Hoa

Dong Nghiem Bai

Pham Ngac

Nguyen Dinh Phuong, Interpreter

Two notetakers

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs

Ambassador William Sullivan, Deputy Assistant Secretary of State for

E. Asian & Pacific Affairs

Ambassador Graham Martin, Ambassador-Designate to the Republic of Vietnam

Mr. William Stearman, NSC Staff

Mr. Peter Rodman, NSC Staff

Mr. David Engel, Interpreter

Mrs. Mary Stifflemire, Notetaker

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 114, Country Files, Far East, Vietnam, Paris Memcons, May 17–23, 1973. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at 108 Avenue du Général Leclerc in Gif-sur-Yvette. All brackets are in the original. The tabs are attached but not printed.

Dr. Kissinger: It is symbolic there are always more people to the right than to the left of the Advisor. [Laughter]

Le Duc Tho: Now we both know what problems are left now.

Dr. Kissinger: Yes.

Le Duc Tho: Yesterday evening, Minister Thach exchanged views with Ambassador Sullivan and we maintain our views regarding the format of the document, and Article 12, Article 11. Have you any further views?

Dr. Kissinger: Well, Mr. Special Advisor, on the format of the document I believe that Ambassador Sullivan yesterday made a significant effort by agreeing to follow the sequence which you proposed. And that is a very difficult thing for us to do. As I understand it, Mr. Aldrich and your associate are now comparing the text in the next room. And with respect to the format, I think we have done the utmost which we can do.

Le Duc Tho: I would like to say, Mr. Advisor, regarding the format of the joint communiqué, we believe that our views are correct because we have reached the Paris Agreement and this time we come here to review the implementation of the agreement and there should be no change to the Agreement. Yesterday I told you that only the time periods regarding the provisions of the Agreement are changed; because they have been violated, therefore we have put forward new ones. And we have no basic changes to bring about in the Agreement. Therefore regarding the opening paragraph of the joint communiqué we maintain the wordings of the draft we handed to you the other day. We will point out a number of concrete measures and specifically a number of new time periods regarding a number of provisions.

As to the implementation of the Agreement, it is the responsibility of all the four parties, but you and I have the main responsibility. Now a number of time periods provided for by the Agreement has been violated; therefore we set new time periods now. Therefore I think for this subject you and I can set new time periods as I have proposed. There is nothing changed to the Agreement which would need the discussion of the four parties to the Agreement. I have endeavored to avoid any differences which would bring about changes to the Agreement.

Regarding Article 11, it has been stipulated in the Agreement that as soon as a ceasefire comes into effect this Article 11 must be immediately implemented. As to Article 12, it is stipulated that the two South Vietnamese parties shall agree and come to sign an agreement within a period of three months. So it has been explicit in the Agreement already. Now the three months period is over; therefore we put a new time period of 45 days. So there is no change to the Agreement.

In the past when we negotiated the Agreement it was a very big question and there were many difficult problems, and we both negotiated the Agreement. The more reason now we discuss no new subjects as compared to the Agreement; we just put some new time periods to our document.

In brief, the problems and questions we have raised are basically the same as in the Agreement, only some new time period. Therefore, I think we both can settle those questions with the concurrence of the PRG and the Government of the RVN. Because there is no obstacle because we haven't changed anything. These are my views, Mr. Advisor.

There are two questions of difference we are facing now. As to a few minor points of difference we will settle them later. For instance, the question of civilian detainees, you wanted to put the words to "do their utmost". We wanted to delete the words "do their utmost", but you have not agreed to that. Regarding the Joint Economic Commission, there is a time limit that the Commission should complete its work by June 15. We would like to propose also a date for the resumption of the work of the Commission so that on our side we can prepare for the meetings. Because it is a technical question, from Vietnam to Paris it will take four or five days to travel.

Dr. Kissinger: Well, if you don't stop in Peking and Moscow to make our life more difficult, it can be faster.

Le Duc Tho: No, my stopover at Peking and Moscow sometime does you harm but sometime it does you good!

Dr. Kissinger: The latter has not been my experience. Do you know that Minister Thach was in Peking and refused to meet me?

Le Duc Tho: So, as I understand, regarding the joint communiqué there are only two major questions left and a few minor questions. And after the joint communiqué we will start with the understandings.

Dr. Kissinger: What are the two major questions, form and substance? [Laughter]

Le Duc Tho: Here it involves questions of format and a question of substance too. If there are some new questions or some important questions and if you say that it is necessary to have the four parties meet again, I agree with you. But here it is not so big a question. It is only a question of time periods that have been violated and now we propose new time periods; so it is not something involving the four parties.

Regarding Article 11 and Article 12, it seems there are differences of views between us. Therefore we have proposed to stick to the Agreement. The only thing new is to bring about a time period of 45 days for signing an agreement on internal matters of South Vietnam.

Dr. Kissinger: Are you finished, Mr. Special Advisor?

Le Duc Tho: I have finished regarding the joint communiqué. Afterwards we will discuss the understandings.

Dr. Kissinger: Now, first, Mr. Special Advisor, I agree with you that we have made considerable progress, and that we have left as far as the communiqué is concerned primarily the question of format. And with respect to substance, I believe that our associates are now comparing it, and it may be that we really do not have such a big difference there. Because we have tried to reflect our understanding of last night's discussions.

Let me say a word about format. In all our meetings we have had a somewhat unequal position in one respect. The unequal position is that you have usually arrived having already achieved the agreement of your allies, while we have had the privilege of negotiating with two Vietnamese parties simultaneously. And we have not yet decided which Vietnamese party is more difficult. [Laughter] We have decided which is more difficult, but they both use the same methods.

Le Duc Tho: But basically speaking, we are more difficult. [Laughter]

Dr. Kissinger: Objectively maybe, but subjectively, it isn't easy to tell. [Laughter] Now we have to base our discussions here on reality. There are two realities. We would not be here if we did not want to bring about the carrying out of our Agreement. But, secondly, we cannot write in our communiqué that something is done with the concurrence of Saigon when that concurrence has not yet been obtained.

I want you to know, Mr. Special Advisor, that we are sending Ambassador Sullivan tonight to Saigon. He is leaving at 9 o'clock tonight by a special plane. And therefore we have only two possibilities really. We can proceed with this format plus an understanding between us that we feel obliged to do our maximum to bring about the implementation, or we can complete this work except for the beginning paragraph and meet again, say in ten days, after which perhaps we can say "with the concurrence of". And a third possibility is that we convene a four-power meeting.

Now Saigon takes the position, that you are familiar with, that they do not officially recognize the two-party document, and therefore we cannot simply appeal to the two-party document. They take the position that the only official document they signed is the four-party document. Therefore, they will probably insist on turning this into a four-party communiqué. So those are our two choices—we can either follow this format and a private understanding, or we can finish the communiqué and defer its adoption for ten days until Ambassador Sullivan has gone to Saigon and we have had further discussions, and

then can write that paragraph. We have no objection to that paragraph as such.

As for the resumption of the work of the Joint Economic Commission, we agree that we should set a date, and you can give us a date a few days after the signing of the communiqué. Any date will be acceptable, except a Sunday. They could resume next Monday or Tuesday. Tuesday is better for us. But that is no problem.

Le Duc Tho: Mr. Advisor, please let me speak a few words. You say that there are two realities. I agree with you when you say that you come here with the desire to have good implementation of the Agreement. I realize that. And as far as we are concerned, we have come here when you interrupted the mine clearance operation, you interrupted the work of the Joint Economic Commission, and you continue the reconnaissance flights over the DRV, and you launched air raids against South Vietnam. This shows our good will and our desire in finding out measures to insure good implementation of the Agreement. And in the meantime we allowed the Joint Military teams about the graves of the dead—we allowed them to move in freely in North Vietnam to find out the remains of the dead. I say this to show that we too have good will and desire a solution.

But the second possibility is unacceptable to us, because this possibility is not realistic, because we do not do anything here to change the Agreement; we just put forward some deadlines that have been violated in the past and require that new deadlines be implemented now. Therefore there is no need to convene again the four-party conference because it involves nothing tantamount to a change of the Agreement.

The implementation of the Agreement is the responsibility of all the four parties, but here it involves only a number of time periods to be decided. Therefore, I think you and I can discuss and exchange views with our allies and come to a solution. There is no difficulty in this. In the past, in solving the problem of Vietnam, you and I have succeeded in reaching the Agreement. There is no reason that we will not succeed in this case.

We can't accept the format of the document proposed by you because it is not only a question of form here but it is also a question of substance. Your intention is to deny any role of the PRG, not only in the written document but also in practice. The role that the Agreement has recognized. Therefore I don't agree to your proposal, to your format proposed by you, plus an understanding, because the understanding will have no effect at all. Therefore, I think if you think it necessary to have an exchange of views with your allies and we will meet again in ten days time, I am prepared to wait ten days more and we will meet again.

Dr. Kissinger: Let me understand once again, Mr. Special Advisor, what it is you are not accepting. Because I don't believe you have seen the new version that we have submitted to you. [Draft handed over in other meeting by Aldrich, Tab A.]

Le Duc Tho: It is being translated. I have not seen it.

Dr. Kissinger: Yes. We have made an effort. We have given up the distinction between two parts of the communiqué and we have rather written it now as one, with an introductory paragraph that is very similar to yours except that it deletes the phrase "with the concurrence of". But we have given up the distinction between two parts of the communiqué. So this is what I said earlier; we have made a big effort.

Le Duc Tho: But this is not fundamentally different from your previous approach. You have given up the division into two parts in the document, but you still divide into two categories of problems. So there is always a division of responsibility, first, the questions regarding the responsibility of the DRV and the U.S. and questions involving the responsibility of the PRG and the Saigon Administration. When we signed the Agreement we have put the sentence "with the concurrence", and it was much more difficult than it is now.

Dr. Kissinger: It was also rejected.

Le Duc Tho: Now we only put new time periods because the previous time periods has been violated. There is no reason that the Saigon Administration disagree to that.

Dr. Kissinger: It is not a disagreement in substance, though I think the Special Advisor should never underestimate the ingenuity of Vietnamese to find obstacles in a document. It is also a question of sovereignty. And therefore apart from substance, if we proceed on the road that the Special Advisor suggests there is a good possibility that Saigon will insist that it will participate only in a four-party document which is the only document that it recognizes. And if we do it that way we might have to do what we did in January, namely, have a two- and a four-party document. Though perhaps you and I could negotiate the text.

Le Duc Tho: I always think that there is no need to convene a four-party conference. It will waste time. And there is nothing so big here, just to put forward some new time limits. You and I can decide it and talk to our allies. But the main responsibilities lie with us. If we change something in the Agreement we would need the four-party conference, but there is no change now. For instance, previously the ceasefire should have happened on January 28 but this date was not respected as the date for a ceasefire; so we put forward a new time, 24 hours after the publication, the issuance of this joint communiqué.

I remember after we signed the Agreement, you and I told each other that we will continue to hold from time to time meetings to solve such questions as may arise.

Dr. Kissinger: That was for selfish reasons, out of personal affection.

Le Duc Tho: Speaking of sovereignty, respect of sovereignty, of course you have to exchange views with your ally. The other day after discussing with you I had to meet Mr. Nguyen Van Hieu and discuss with him his views. In negotiating the Agreement, you and I could do that, and the Saigon Administration had to accept the Agreement. And now there is only a question of time periods. There is no reason that you can't talk to them and talk them into accepting the time limit. You are not so powerless. I don't think you are so powerless.

Dr. Kissinger: And we will do that. But we now have the substantive problem. Incidentally, your South Vietnamese brethren follow a different method each time I negotiate with them. In October they had people here who had no authority to make concessions; this time they have people here who don't understand the Agreement so they can't make any concessions. [Laughter] It is a great method.

Now then, there is no disagreement that we should bring about a concurrence with this document. But I want to be practical. My judgment is that if we go and get the formal agreement of Saigon we will have to follow exactly the procedure of January. That is to say, there will have to be a four-party signing—not necessarily a four-party conference, but a four-party document and a four-party signing. But in addition there can be a two-party document which has the phrase, "with the concurrence of", signed by you and me.

Le Duc Tho: I think this way is all right.

Dr. Kissinger: Or else we can proceed this way. But we cannot write a document and say "with the concurrence of" before we have the concurrence.

Le Duc Tho: So please obtain the concurrence of the Saigon people, and then we will sign the document here, and the representatives of the Saigon people and the two South Vietnamese parties may sign here.

Dr. Kissinger: At Gif—or the other place? Or shall we meet at the Avenue Kleber?

Le Duc Tho: [Laughs] We will find out a convenient place.

Dr. Kissinger: We should allow two weeks for that. In that case I propose . . .

Le Duc Tho: It depends on your arrangement. But I don't think it will need two weeks. It will need one week at most because it involves only a time period.

Dr. Kissinger: No, the problem I have is different. The problem I have is that President Nixon is meeting President Pompidou next week in Iceland. (Tho nods.) And they can't make an agreement without the concurrence of their advisers. [Laughter] So, seriously, I have to be at that meeting, and I have to be with President Nixon for the preparation

of that meeting, because it is an important meeting to us. Otherwise I would come next week. I agree with you, it shouldn't take two weeks.

Le Duc Tho: I really think, basically thinking, that if you and I agree to that, it is easy. But it is another thing if you wanted to create a job to do.

Dr. Kissinger: What do you mean?

Le Duc Tho: Because the conclusion of the Agreement was much more difficult. Because the only question involved here is the question of time period. The only point is the time period.

Dr. Kissinger: Well, I think we can settle it. It is really primarily now a procedural question. And then there is also, of course, the question of the Cambodian understanding.

Le Duc Tho: [Laughs] The understanding regarding Cambodia is another problem. We should finish the communiqué first.

Dr. Kissinger: The two presidents are meeting May 31 and June 1. I am now coming back tomorrow, which is the 23rd, and we leave Washington for Iceland on May 30. Ambassador Sullivan is going to Saigon and he will not be back before the 27th or 28th.

Amb. Sullivan: Or maybe later. [Laughter]

Dr. Kissinger: I am just trying to show you that we are not deliberately delaying. So I think realistically the 4th or 5th is the earliest we can really meet. The 5th is a little better for us.

Le Duc Tho: I agree. I understand you are engaged in the Iceland meeting with President Pompidou. I agree to June 5.

Dr. Kissinger: Now then, we should still settle the text while we are here and then we should arrange that perhaps we try to sign it on the 6th or 7th.

Le Duc Tho: So you will leave tomorrow?

Dr. Kissinger: I will leave tomorrow.

Le Duc Tho: I agree. I agree to this schedule.

Dr. Kissinger: You agree to it. And we will have to adjust the times of the various things though. But they will be the same time periods. And with this time schedule, the ceasefire can be compressed a little bit from the time of our agreement. If we sign on the 6th, it could be 24 hours after, say the 7th. And I propose also that perhaps Ambassador Sullivan come here 48 hours before we meet with Minister Thach to finish up. And then we would follow the same format as in January, that is, we would have one communiqué signed by you and me and another one signed by the four parties, with the same procedure as in January.

Le Duc Tho: But beside you and I will sign the communiqué, who will sign the four-party document?

Dr. Kissinger: I guess you and I, and our two friends. Vien and the two fellows, the two intellectuals, who are discussing the political future. [Laughter]

Le Duc Tho: One is the intellectual who reads out what has been written for him. [Laughter] It is all right. So one copy will be signed by you and I, and a second copy will be signed by you and I and Mr. Vien and Mr. Hieu.

Dr. Kissinger: Or we can just have the four-party one signed.

Le Duc Tho: If you want only one copy, then there must be the name of the four-parties in the Preamble.

Dr. Kissinger: See, here we go again. [Laughter]

Amb. Sullivan: What shape is the table? [Laughter]

Dr. Kissinger: So we can follow exactly the procedure of January: We have a two-party document which mentions the names in the Preamble, and then we will have a four-party document without the names. On separate pages. Signed on separate pages.

Mr. Thach: There is no name in the Preamble, only the name at the signature.

Dr. Kissinger: At the signature.

Le Duc Tho: This is a headache. [Laughter]

Dr. Kissinger: But also it is important, you have to understand, that because of the visit of Brezhnev to the United States the following week, I will have to leave on the 7th, so we have to do all this signing no later than the 7th. It gives us two days to meet, the 5th and 6th, and we sign on the 7th.

Le Duc Tho: I think we will have to complete the text. Now it remains only the way of signing.

Dr. Kissinger: Then we do not need three days. Then we can do it on the 6th. Whatever problems we have.

Le Duc Tho: Let me finish.

Amb. Sullivan: We shall see. [Not translated.]

Le Duc Tho: We can complete the text today and tomorrow, and we can initial the document tomorrow. And when you come, then we have to sign only. Because otherwise if you leave and when you return, then everything will be changed, and I am afraid that we can't sign on the 6th; it is impossible to sign on the 6th. If you want to insure the schedule, the date of your departure from Paris, then we should complete the text here and when you go to Saigon it needs only to agree on the time period. When you come back we can sign on the 5th or the 6th. We will not repeat again the situation last year when we come back we have to renegotiate the text again. I have very deep lessons on this subject, lessons to me.

Dr. Kissinger: If I leave here and say that a communiqué is at hand, will that be all right? [Laughter] If I go to the press?

Le Duc Tho: So the text should be complete and there should be no change afterward. There will be left to Saigon about the way of signing only, and the time period.

Dr. Kissinger: Anyone who knows the Vietnamese must recognize there is no such thing as a simple problem for Ambassador Sullivan in Saigon.

Amb. Sullivan: I can take Thach with me on the plane.

Dr. Kissinger: Let me think about this initialling and I will talk with you about it after a break. I was going to say that when we leave here we can consider the text of the communiqué complete! But let me consider the form in which we want to do this. I recognize that we do not want to come back here and start renegotiating the whole thing. And I think it is in our mutual interest to follow the procedure of January, when we set ourselves a schedule that was met. But you remember when we left in January we told you that we would initial it on January 23.

We would like to take a break for a few minutes to discuss how to get a procedure of how to go from here. Can we take a few minutes' break.

Le Duc Tho: Sure.

Dr. Kissinger: But I think we have made good progress this morning. We will make another film of another initialling. [Laughter]

Le Duc Tho: We are making progress backward. [Laughter]

[The meeting broke at 11:45 a.m. Dr. Kissinger and Le Duc Tho conferred privately in the living room, as follows:]

Le Duc Tho: As I said, it would be best if you and I could sign. It is just a question of time limits. You have had enough time to exchange views with Saigon since we began our meetings here. If you can't agree to sign then we will agree on it eventually. Ambassador Sullivan will go to Saigon and when he comes back we will have the signature.

Dr. Kissinger: I agree. We should do the same as we did last time. We will send Sullivan to Saigon and we can then meet. In January we had 10 days between our last meeting and the initialling. So then we can have our meeting on the 5th and we can initial on the 5th and sign on the 7th—or on the 6th if you want, but just for safety's sake, to give us another day.

I told you last time there would be no change, and there was no change between then and the initialling. But if we initial this now, Sullivan will have an impossible problem. But I promise we will not change it, and I will not trick you. There would be no sense in it. In October we were doing something totally new and unexpected. But

frankly speaking, yesterday we sent a very strong letter from President Nixon to Saigon so we will bring about the results as I told you.

When I leave we can say we have made very substantial progress and we will finish the agreement when I come back on June 5th.

Le Duc Tho: I have just looked at the text you gave us this morning. You have changed many points, especially Articles 11 and 12.

Dr. Kissinger: We have to discuss this. We don't think we changed anything. Maybe there was a misunderstanding. If we follow our procedure we don't need to appeal to the two sides, we will just state an obligation.

Le Duc Tho: Of course.

Dr. Kissinger: We will not say "should" but say "shall" throughout. We will just state it as it is in the Agreement. Concerning Articles 11 and 12 we thought we had an understanding, but maybe it was not clearly understood.

Le Duc Tho: If you and I can agree here, we should initial. Then you will go to Saigon and discuss it, because the only thing to be changed is the time limits. Only in this way can we say we have had results.

Dr. Kissinger: We can initial as between you and us, but we can't commit other parties.

Le Duc Tho: All right, between you and me. Just to make sure there will be no change.

Dr. Kissinger: I like your confidence in me.

Le Duc Tho: You tantalized me last time!

Dr. Kissinger: No, not last time, the next to last time.

Le Duc Tho: Right.

[The formal meeting resumed at 12:25 p.m.]

Dr. Kissinger: Ambassador Sullivan tells me that Minister Thach agreed to everything while they were talking. All we should do is to move some deck chairs out into the garden and sit in the sun.

Amb. Sullivan: Mr. Thach has agreed to come to Saigon with me. [Laughter]

Mr. Thach: But you should not put me in Tan Son Nhut.

Le Duc Tho: Mr. Advisor, let me speak a few words more, and you may speak. As to the structure of the documents, I have expressed my views.

Regarding Article 11 and Article 12, I have just read your draft and I think it at variance with the Agreement. Because Article 11 of the Agreement stipulates very clearly about the democratic liberties that are to be implemented immediately after the ceasefire. As to the discussions by the two South Vietnamese parties about the political

problems of South Vietnam, the formation of the National Council of National Reconciliation and Concord, the decision on the time to organize general elections—all these internal matters of South Vietnam should be settled within three months. Now in your draft you combine Article 11 and Article 12 and you say that the South Vietnamese parties should discuss the internal matters of South Vietnam and settle them within 45 days.

So it is not in conformity with the Agreement. And you are unwilling to have the concrete words of Article 11. So you are unwilling to apply the democratic liberties in South Vietnam. You want to leave this question of democratic liberties to the two South Vietnamese parties to discuss and to settle. To my mind, in order to settle the problem between us I propose to stick to the words of the Agreement. We do not redraft the Article 11, we just stick to the words of Article 11. And regarding Article 12, we will change only the time period.

This is what I would like to add regarding the contents.

Now I think we should come to an agreement here, because regarding the text of the document we have to agree there are only two questions left—the format, the structure of the document, and Articles 11 and 12. If Articles 11 and 12 we stick to the words of the Agreement, and regarding Article 12 we just have a new time period, then we would have completed the text of the document.

Now there is only the opening paragraph. And if we put the opening paragraph as we propose, then there should be no appeal regarding the ceasefire. We would use the word “recommend.”

Dr. Kissinger: Not use.

Mr. Phuong: Not use.

Dr. Kissinger: It is always a mistake to agree too quickly with the Special Advisor. [Laughter]

Le Duc Tho: So we can complete the text here and we will initial it between you and me, to be sure that we have come to an agreement and you will not change it. And then Ambassador Sullivan will go to Saigon and we will maintain the opening paragraph, the structure. There can be no objection possible from Saigon except the time period.

Dr. Kissinger: You always underestimate your compatriots in the south! And you remember December, Mr. Special Advisor, when you were not prepared to settle. The capacity of Vietnamese to invent objections is infinite. That capacity has never been damaged, worn out or destroyed, or used up. [Laughter]

Le Duc Tho: You refer to past stories, past events, but at the time I lost my confidence in you.

Dr. Kissinger: In December?

Le Duc Tho: It is through practical experience.

Dr. Kissinger: Well, are you finished?

Le Duc Tho: I have finished.

Dr. Kissinger: Mr. Special Advisor, first, with respect to the format. We can agree that the format of the two-party document should be essentially what you have submitted to us. And if there is a four-party document, it should follow the model of the January four-party document. And I think Mr. Sullivan and Mr. Thach should during a break draft the appropriate paragraph.

And my understanding is that if Saigon agrees to a four-party document that mentions the PRG in the Preamble, then we need only one document and not two.

Le Duc Tho: Yes.

Dr. Kissinger: Otherwise, we have two documents, in [one of] which none of the South Vietnamese parties are mentioned except that on the signatory page the title and the government are mentioned and they are on two separate pages. All right. But that was exactly the procedure in January.

Now then, as to the other points that the Special Advisor made. With regard to format, in our new format we do not need an appeal or a recommendation, and I therefore agree that that should be dropped and that we should just follow the format of the original Agreement. I also agree, and I have instructed Mr. Aldrich accordingly, that we should drop the word “should” and we should just say “shall” throughout the document.

So, now we are only left with Articles 11 and 12. As I understand it, if you read paragraph 11 of our document [Tab A], it does not say that the parties shall discuss the democratic liberties. It says that the “right of self-determination should be implemented by the following measures,” of which (a) is “immediately after the coming into effect of the ceasefire the parties should achieve national reconciliation and ensure the democratic liberties,” which is exactly from the Agreement. We don’t say “they will discuss,” and I believe there is a misunderstanding.

Le Duc Tho: Regarding Article 11, we propose to repeat the words of the Agreement. Regarding Article 12, I propose that “in conformity with Article 12 of the Agreement the National Council of National Reconciliation and Concord consisting of three equal segments shall be formed as soon as possible.”

Dr. Kissinger: Give it to me again, will you.

Mr. Phuong: “In conformity with Article 12 of the Agreement, the National Council of National Reconciliation and Concord, consisting of three equal segments, shall be formed as soon as possible.”

Le Duc Tho: It is the wording of the Agreement. Another sentence: “The two South Vietnamese parties shall sign an agreement on the

internal matters of South Vietnam as soon as possible, and no later than 45 days after the entry into force of the ceasefire order referenced to in paragraph 3(a)."

Dr. Kissinger: The Special Advisor left out one of my favorite phrases here, which we worked on very hard, and that is why I know he did not do it intentionally: "and do their utmost to achieve this within 45 days." Of course, you know, when two South Vietnamese parties do their utmost for something there is no limit to what they can achieve.

Le Duc Tho: If you want to put "utmost" that will be okay.

Dr. Kissinger: Only when Mr. Vien does his utmost. That will be something. He will read the Agreement when he does his utmost. [Laughter]

Le Duc Tho: He has done his utmost, but with no result whatsoever.

Dr. Kissinger: Without having read the Agreement.

Le Duc Tho: And if he does his utmost then he will be exhausted and you can't force him to do anything.

Dr. Kissinger: Yes, but this was without having read the Agreement. [Laughter] "The National Council of National Reconciliation and Concord shall be formed as soon as possible. The two South Vietnamese parties . . ." Do you want to read that, Mr. Phuong?

Mr. Phuong: Then "the two South Vietnamese parties shall sign an agreement on the internal matters of South Vietnam as soon as possible and will accomplish this no later than 45 days."

Dr. Kissinger: No, "do their utmost." [Laughter]

Le Duc Tho: But it is truly very talented to find out such a sentence.

Dr. Kissinger: We made a big effort. [Laughter] "The two South Vietnamese parties shall sign an agreement on the internal matters as soon as possible and will do their utmost to accomplish this within 45 days." This is your text.

Le Duc Tho: So you delete the words "no later than"?

Dr. Kissinger: Yes, "and do their utmost to accomplish this within 45 days." It is as important as Article 18.

Le Duc Tho: Seriously speaking, whether there is these words "do their utmost" or not, if the two South Vietnamese parties are willing to settle the problem, whether or not with these words "do their utmost," they will settle the problem. Otherwise even if there is no words to "do their utmost," if they are unwilling to settle, they will not.

Dr. Kissinger: I think the Special Advisor is perfectly right.

Le Duc Tho: It is of substance.

Dr. Kissinger: I agree. Let me make a suggestion. I agree with the phraseology which you have just given us on the National Council

and on the internal matters. With respect to the democratic liberties I propose that we take the phraseology that we have given you but make a separate paragraph out of it, preceding the paragraph we just agreed on the internal matters. In other words, we make what is now (a) in our draft a separate paragraph called paragraph 11, so that it is clearly separated from the other two matters. It becomes a separate paragraph. It doesn't become paragraph (a); it becomes paragraph 11. Then, what is now our paragraph 11 we make paragraph 12. We keep the introductory paragraph about "in conformity with Article 9" and we make your phrase about the National Council (a) and the phrase about the internal matters (b). [Both sides confer.]

Le Duc Tho: I would like to raise only one point. As to the redrafting, we will leave it to Minister Thach and Ambassador Sullivan. I would like to speak about Article 11. This is the article which the Saigon Administration has not done anything to implement, regarding the democratic liberties and national concord measures. Therefore I would like to repeat the contents of this article. There is no reason we have to drop the contents.

Dr. Kissinger: That is not quite right, because their press is quite free to attack me.

Le Duc Tho: This is another thing. If you insist on dropping this article, the content of this article, then we understand that you do not want to implement democratic liberties in South Vietnam. Therefore, in my view we should repeat the content of this article. This is the article which is the most violated. Only a few lines; it will take not much paper.

Dr. Kissinger: Considering that we have only two lines on Laos and Cambodia, which are two sovereign countries—divided into four zones.

Le Duc Tho: To use the words of Ambassador Sullivan, it is an iceberg—the top is too small and the bottom is big.

Dr. Kissinger: He said all of this without instructions. [Laughter] No, seriously, Mr. Special Advisor, as I told you, we are sending Ambassador Martin to Saigon to help bring about a strict implementation of the Agreement. And the fact that we are making specific reference to Article 11 and saying that the democratic liberties in it should be ensured means that we intend to have it carried out. So we believe there is no other article about which the specific provisions are mentioned in detail. And there I think that . . .

Le Duc Tho: There are many places where we repeat the wording.

Dr. Kissinger: But never the whole article.

Le Duc Tho: But it is the article which is the most violated in South Vietnam; therefore I think it is necessary to repeat the whole article.

Dr. Kissinger: But there are many articles that we think are being heavily violated, and if we get into this sort of debate we will write the whole Agreement again.

Le Duc Tho: But Article 7 has been repeated at great length.

Dr. Kissinger: But that is for your own protection. Because you tell me you are not violating it. But look at Article 20.

Le Duc Tho: If you want to repeat the whole Article 20, I agree.

Dr. Kissinger: Well then, we might as well write the whole Agreement again. And probably, knowing the perversity of the various Vietnamese parties, they will all refuse to sign it. [Laughter]

Le Duc Tho: I will maintain this idea.

Dr. Kissinger: Well then, should we leave it until June 5th?

Le Duc Tho: It is the words of the Agreement. There is no reason we should wait until that day. Just like Article 7, we have repeated the words; Article 8(b) we repeat the article. So whatever articles which you are interested in you want it repeated at length. Whatever you don't like you don't want repeated.

Dr. Kissinger: We are trying to avoid, as we discussed yesterday, to write a propaganda document for the two South Vietnamese parties who are doing their utmost at La Celle St. Cloud, and therefore we should state everything that concerns them in a general way so that their passions are not unnecessarily aroused.

In what we have proposed to you Article 11 stands separately and there is a separate obligation not subject to negotiation. And we think that that is a big effort on our side. While the others are left for negotiation.

Le Duc Tho: I can't give you this concession. There are many other points where you demanded to repeat the article. And yesterday you agreed that you would stick to the words of the Agreement.

Dr. Kissinger: No, not really.

Le Duc Tho: We stick to the Agreement. We are not at variance with the Agreement. Because you and I are reviewing the Agreement, reviewing the implementation.

Dr. Kissinger: Well, we agree to saying that they shall ensure the democratic liberties of the people. We just don't want to list every last one of them. We don't just say "ensure Article 11," we say "they shall immediately ensure the democratic liberties of the people."

Le Duc Tho: We want to write in detail about Article 11, just as you have done regarding Article 7. You write the details about Article 7 very lengthily and you add something new to it. But I wonder why when we repeat the words of the Agreement you are unwilling to accept that. What is your intention there?

Dr. Kissinger: Our intention there is, as I told you yesterday, that this is a very serious dispute at La Celle St. Cloud, and if one of these points of dispute is discussed in very great detail while other points of dispute are barely mentioned, this creates a certain imbalance.

Le Duc Tho: Whatever article you want longer we can, but exactly as the Agreement says. I would agree with you, provided you don't go beyond the Agreement.

Dr. Kissinger: Well, why don't we just reprint the Agreement and sign it again? And we could just have a one-sentence communiqué saying "we reaffirm the Agreement, which is attached hereto."

Le Duc Tho: So you agree with me that we should review the implementation of the Agreement. Now whatever articles of the Agreement that were not well implemented, then we should repeat more on that article. And we have to repeat those articles which are not being implemented in accordance with the Agreement. So it is not necessary to repeat the whole agreement.

Dr. Kissinger: But we have agreed, for example, on Article 20, which is a matter of great concern to us, simply to have a reference to its scrupulous adherence. And Article 15, we have also not insisted on repeating it, but just make a reference to it.

Le Duc Tho: If you say the Article 20 is an important article and you want to repeat the whole article, I agree with you.

Dr. Kissinger: Yes, but then we are in the ridiculous situation in which we are quoting the whole text of everything, and it will lose a great deal of its significance.

Le Duc Tho: Our intention is, since we come here to review the implementation of the Agreement, and those articles which are not being implemented, we have to repeat the articles and we should insure the strict implementation of those articles. There are points in the draft you have repeated the articles of the Agreement at length, but there are other points we have to repeat part of the article.

I can say that the South Vietnamese system at present, the Saigon Administration at present, does not ensure any democratic liberties. I don't say all the democratic liberties, but a minimum, such as freedom of movement, freedom of work; they have not insured those liberties at all.

Dr. Kissinger: Well, first, I cannot accept the proposition that it is correct that none of the liberties are being ensured in Saigon. There is a very active press. I notice the Minister just wrote something down.

Le Duc Tho: I do not like to debate with you on the situation of the South Vietnam as you have conceived it. Because if we discuss this question there will be many things to be discussed between us. It is inconceivable to me that in such a political system you can say that there are freedoms in it. I maintain my views.

Dr. Kissinger: I thought that the Minister just wrote something down.

Minister Thach: This is your draft in Vietnamese translation.

Dr. Kissinger: Mr. Sullivan is looking forward to meeting Mr. Duc. [Laughter]

Ambassador Sullivan: That is called “freedom of meeting.”

Dr. Kissinger: And he will then look back with nostalgia to his meetings with Minister Thach.

Le Duc Tho: Our views still differ on that point.

Dr. Kissinger: Yes. We haven’t introduced yet one other paragraph, about “return to their native places.” [Laughter]

Le Duc Tho: We agreed to drop this paragraph long ago. And this paragraph we agreed to, but not regarding democratic liberties.

Dr. Kissinger: With his usual modesty, the Special Advisor didn’t tell me at the time that this repeats exactly the North Vietnamese Constitution. And now that I know this, it presents additional difficulties for me to present it to Saigon. [The Vietnamese confer.]

Le Duc Tho: So we haven’t solved this question now. I propose another little break and have lunch.

Dr. Kissinger: All right. I think the Special Advisor will do anything to avoid a discussion of Cambodia.

Le Duc Tho: But I have talked with you on that question very lengthily. In the negotiations, in the private talks.

[At 1:20 p.m. the meeting broke for lunch. A sit-down lunch was served in an adjoining room, both sides eating together. Le Duc Tho pointed out that this was the first time the two sides had shared a meal in the DRV meeting place. The meeting resumed at 3:20 p.m.]

Le Duc Tho: So regarding the joint communiqué, the questions we are facing I have presented to you.

Dr. Kissinger: There is only one left, or am I mistaken?

Le Duc Tho: You mean Article 11 and Article 12?

Dr. Kissinger: Article 12 I thought we had agreed. So it is really only Article 11. [Tho nods yes.] We have got rid of our two saboteurs [Sullivan and Thach who had joined Aldrich in the other meeting] so we will settle it very easily.

Le Duc Tho: But we have a new saboteur [Mr. Hien].

Dr. Kissinger: He used to be the chief saboteur.

Le Duc Tho: Have you any other questions, Mr. Advisor?

Dr. Kissinger: No, I think that is the principal question that remains, and then we must turn to the understandings.

Le Duc Tho: I have expressed all my views regarding this principal question.

Dr. Kissinger: Well, I believe that since we are saying “they shall achieve national reconciliation and ensure the democratic liberties of the people, in conformity with Article 11,” it is really quite clear what we are talking about.

Le Duc Tho: No, I always maintain that it should be clearly defined.

Dr. Kissinger: The Special Advisor is terribly persistent.

Le Duc Tho: No, I only repeat the wording of the Agreement. There is no change at all.

Dr. Kissinger: But if we repeat the whole agreement it loses all significance. The mere fact that we say “ensure democratic liberties” and Article 11 makes it clear that we have special emphasis.

Le Duc Tho: But you have repeated all Article 7.

Dr. Kissinger: But Article 7 is not so serious because you are not violating it anyway. That was for your protection. [Tho laughs] It was a sign of good will.

Le Duc Tho: It is an article that both parties, all parties, have to implement.

Dr. Kissinger: But since you have already implemented it, it doesn’t really put any additional burden on you. [Laughter] We put it in to ease your mind.

Le Duc Tho: Yes, it is the same for Article 11. I propose it to be of more quiet mind.

Dr. Kissinger: But we can’t make all the concessions.

Le Duc Tho: But what have you conceded to me?

Dr. Kissinger: We gave you Article 7. [Laughter] You were very worried about the introduction of American military equipment. And we are making Article 11 a separate article. Our original proposal was to put it together with the other political paragraphs.

Le Duc Tho: But when you combined the two articles it is contrary to the Agreement. But when you separate the two articles you cut off something from the Agreement. [Long pause]

Kissinger: Should we let the two interpreters see whether they can settle it? [Laughter] We don’t really know what they are interpreting to each other. [Long pause]

Le Duc Tho: The two interpreters are jobless.

Kissinger: You know, it is going to be like “don doc”, we spent three days on it.

Le Duc Tho: The question of “don doc”, we solved it only before initialling the Agreement.

Kissinger: Well, shall we leave this for June 5th?

Le Duc Tho: I think that my view is correct. You are not willing to accept it, but I think my view is correct.

Kissinger: Your view is too concrete. I am not saying it is incorrect. I think it is inappropriate for the document.

Le Duc Tho: The concrete wording regarding Article 7 is also not appropriate for this document.

Kissinger: But you are so worried about the introduction of our military equipment.

Le Duc Tho: I don't know whether you are worried or I am.

Kissinger: And on Article 20 we have accepted an abbreviated version. [Long pause]

Incidentally, we will not—this is not relevant to this—conduct reconnaissance activities between now and the time we meet again.

Le Duc Tho: I think that from now to the day we meet again in June there should be no reconnaissance activities, nor such actions as bombing or shelling in South Vietnam, because in my view it will set obstacles in the negotiations.

Kissinger: I agree. I promise it.

Le Duc Tho: Please pay attention to this because these activities in the recent period, such as the reconnaissance flights and bombings and shellings did not help our talks here. On the contrary, they created difficulties for our work. And I would like to ask to be assured whether we will meet again on June 5th and we will sign officially the document on June 7.

Kissinger: That is a firm commitment.

Le Duc Tho: Because I have to arrange my program.

Kissinger: This will be definite. We don't have to settle it now, but if we settle on June 5 we should release the document on June 6 and then perhaps I would have to hold a press conference here to explain it. And then on June 7 we would sign it.

Le Duc Tho: And so if we sign the document on June 7, then all the time period will be delayed accordingly.

Kissinger: For the exact interval that we had foreseen this time. But we could have the ceasefire within 24 hours of June 7.

Le Duc Tho: I would like to ask you, in case we come to an agreement this time, shall we initial privately between you and I without publishing anything, tomorrow? And then after the return of Ambassador Sullivan from Saigon, then we will proceed only to the formal signing of the document?

Kissinger: I think it will be better if we initial on the 5th. But I will be glad to give you a statement saying that I consider the agreement settled between us subject only to consultation by Ambassador Sullivan. But I think it is formally better if we do not initial it until after the consultation is completed. And we could also say, when I leave

tomorrow—we could do one of two things: We could either at the end of our meeting both go outside and say to the press that we have made very great progress and that we will conclude when we meet next time, or I can say it at the airport and you could confirm it.

Le Duc Tho: What we would like is to have, you and I, an initialling of the documents. But you are unwilling. It seems to me that you are unwilling to initial the documents now.

Kissinger: Only as a matter of form.

Le Duc Tho: Therefore I am not sure there will be changes or not. That is why when you leave you will state anything you like, but I am not sure for myself that there will be no change at all.

Kissinger: From our side, or from your side?

Le Duc Tho: No, I am afraid there will be some changes from your side, not from our side.

Kissinger: No, I promise you there will be no changes, but it is difficult for us as a matter of form to initial something when we are sending somebody to do the consultation; that is a matter of delicacy. We did not change one comma between January 10 and January 23, or whenever we left in January—the 13th I think. But we sent General Haig to Saigon and we went through this format. And I promise you now, when we have agreed here there will be no change. And the consequence for our relationship, when we are aiming for normalization, would be very serious if I deceived you.

Le Duc Tho: So I no longer insist on our initialling the document.

Kissinger: But you can rely on my promise.

Le Duc Tho: But if so, I wonder whether the initialling on June 5 is necessary, or shall we go directly to the official signature?

Kissinger: It is up to you. The only advantage of initialling is that we can then release the text the next day. But we can also go directly to the signature. It is up to you. I will leave it to you. Whatever you want, we will do. We have no particular preference.

Le Duc Tho: So since we will not initial now the documents, please give me an understanding between you and I saying that all that we have agreed here and all the time periods we have agreed here will not be changed. Privately between us, you give the understanding to me; of course, because of my past experience we want this understanding.

Kissinger: Orally. If I do it in writing, I have to say “subject to consultations.”

Le Duc Tho: So we are not sure that you will not change it because it is a subject of consultations.

Kissinger: You mustn't be so suspicious.

Le Duc Tho: But then how can I go with you to the press and say we have obtained substantial progress, or confirm what you will say when you leave?

Kissinger: Whether we both go to the press or not is up to you. It would make it more significant, but it is not essential. Or I can make a statement which I show you before I leave, and you can confirm it. But neither of us should say anything about the content and we shouldn't give the impression that there are any disagreements, because that creates a climate that encourages other people to oppose us.

Le Duc Tho: If really what we will have agreed here will not be changed, then when you make a statement to the press I will confirm it. But in case there will be changes afterwards, then my statement to the press would not have any value.

Kissinger: But if there are changes afterwards you will of course express your point of view to the press. What good does it do me if I say now we have made significant progress and then next week I tell you I want a change and you attack me. It would be senseless. I am trying to avoid a situation on a disagreement. I have not found you easy to deal with when you felt yourself deceived.

Le Duc Tho: Frankly speaking, Mr. Advisor, we have been negotiating for a long time and, frankly speaking, on many occasions what we have agreed to do have not been well implemented, and on many occasions your promises have not come true. This is the reason why I think you should give me some things which increase my confidence. And this time we are negotiating once more and therefore you should make me have some trust in what we will have agreed here.

Dr. Kissinger: Well, I can promise you that as far as the United States is concerned, we will not ask for any further changes.

Le Duc Tho: But what about Saigon? If they insist on the changes will the United States support the changes?

Kissinger: It is very difficult for me to give you a document which, if you announce it and if it emerges before Ambassador Sullivan is even in Saigon and says we have the concurrence of Saigon before we did. That we cannot do. I promise you. I promised you in January and everything we promised in January we kept. It is not true that everything I promise you we have not kept, except at the end of October, where we faced very massive difficulties. We think it is essentially a formality.

Le Duc Tho: So now I propose the following. What we will agree here you will give me a promise on honor that there will be no change at all regarding the articles, the paragraphs, and regarding the time periods mentioned in the document, regarding the schedule, the date of the signature—nothing will be changed. Then I will accept that when

you make a statement to the press and I see your statement first, then I will confirm to the press.

Kissinger: Let's do that.

Le Duc Tho: But will you make me the promise, as I have just mentioned?

Kissinger: Yes.

Le Duc Tho: So you put your honor on this? [Laughing]

Kissinger: Yes. My revolutionary honor. No, I will put my honor. We have dealt with each other a long time.

Le Duc Tho: I agree with you then.

Kissinger: But I will not admit it publicly that I gave you this promise.

Le Duc Tho: I understand.

Kissinger: And I will write out a statement which I will give you before I leave, and you confirm it, and then neither of us says anything until we meet again on the 5th. (Tho nods.) Or our friends.

Le Duc Tho: Yes. So I will make the same kind of promise to you just as you make the promise to me.

Kissinger: Good. That will be important.

Le Duc Tho: But I hope that this time, because we will have to meet each other again, I hope that in the next meeting we have we will not have to complain of each other.

Kissinger: No, I am sure not.

Le Duc Tho: Because I will keep my promise, but you should keep your promise too. Because I understand if I say something that will divert from my promise, this will have some adverse effects upon you.

Kissinger: The same is true in my case.

Le Duc Tho: So we will keep our promise.

Kissinger: Definitely.

Le Duc Tho: What problems do we have now? Shall we discuss them?

Kissinger: We have Article 11 and we have the understandings.

Le Duc Tho: Regarding Article 11, I maintain my views. Now, regarding the understandings, what do you have to say? And I will comment on it.

Kissinger: On Article 11, we will then have to discuss tomorrow.

Le Duc Tho: All right.

Kissinger: Let me consult for two minutes with Ambassador Sullivan on one point.

Le Duc Tho: All right.

[There was a short break from 4:05–4:10 p.m. Dr. Kissinger returned to the room. Before the group took their seats again, the conversation resumed across the table.]

Kissinger: I have to leave in 15 minutes. I have to see the French Foreign Minister.

Le Duc Tho: So you will go to meet the French Foreign Minister?

Kissinger: Yes, but we can talk maybe fifteen or twenty minutes. I can express some preliminary views on the understandings. We leave Article 11 until tomorrow and then we discuss the understandings. And then we should compare the text once again tomorrow; then Mr. Engel should work with Mr. Phuong on Thursday to compare the Vietnamese text.

Le Duc Tho: All right.

[The group then took their seats.]

Kissinger: Should we talk for a few minutes on the understandings? With respect to Laos, with respect to the first paragraph of your document [Tab B], we can accept it if instead of “their wish” we say “their strong desire”. You give us an opportunity to put this into better English. You won’t insist on your interpretation. There is no change in substance except for the words “strong desire.”

With respect to paragraph 2, it is, of course, not true. We have not been informed of this yet. [Laughter] And I know the Special Advisor and I would not want to state an untruth. And we should add a sentence saying that “the DRVN and the US will exercise their best efforts in that direction.” And now that we have a two-week delay and we can work informally with the parties, I think the period should be 15 days.

With respect to paragraph (b) we will accept it if this is a direct quotation from the Laotian Agreement, which we don’t have here. And we will accept paragraph (c).

So this is our view with respect to the understanding on Laos.

Are we going to sign these understandings this time.

If [the language] adds anything to the agreement we cannot accept it. [Stearman looks up the Laos Agreement.]

Le Duc Tho: It sticks to the agreement here. No, like the previous understandings we will not sign.

Kissinger: That is all right.

Le Duc Tho: “The DRV and the US will exercise their best efforts.”

Kissinger: That goes after (a).

Le Duc Tho: But the sentence, “The DRV and the US have been informed by the Lao parties that . . .” do you agree to that?

Kissinger: Well, have you been informed?

Le Duc Tho: No, we have based ourself on the Agreement on Laos and we have exchanged views with our Laos friends, so for one month

after the solution of the Laotian problem foreign troops will be withdrawn within 60 days. And this, the sentence “The DRV and the US have been informed by the Laotian parties,” that is to show respect for their sovereignty. It cannot be that the US and the DRV will do all these things.

Kissinger: All right, I understand. We will accept that sentence if after paragraph (a) you add our sentence about “best efforts.”

Le Duc Tho: I agree.

Kissinger: All right.

Le Duc Tho: At the end of paragraph (a).

Kissinger: Yes, between paragraph (a) and paragraph (b), as a separate sentence, standing alone. And I have checked; we accept paragraphs (b) and (c). Do you accept 15 days from June 7?

Le Duc Tho: No, I can't accept that because it is related to our Agreement here. After we reach agreement here I have to return to Vietnam to exchange views concretely with our friends and not stay here.

Kissinger: Well, I have such experience with the Special Advisor's persuasive powers that I can't imagine that it will take him 30 days. [Laughter]

Le Duc Tho: No, it is stipulated in the agreement that the Government of Laos should be formed within 30 days. Therefore I put this in 30 days.

Kissinger: But that was 90 days ago. [Laughter]

Le Duc Tho: But I will tell you what we would like to have it formed as soon as possible.

Kissinger: Is that longer or shorter than 30 days?

Le Duc Tho: Less. It cannot be more than 30 days. To my knowledge there are no major questions left regarding the political problems.

Kissinger: Well then, why will it take 30 days?

Le Duc Tho: To my knowledge there are no great questions left, but they are negotiating concrete questions, and we can't make recommendations on everything. They will decide these concrete things.

Kissinger: Well, I think we have to leave the number of days for tomorrow. Maybe we should say 17 days.

Le Duc Tho: If you want to leave it in blank, but I will maintain 30 days.

Kissinger: I am not finished yet on Laos. We would like a last sentence that says something like we had in the other understanding, that “the DRVN has been informed that there are no American prisoners held in Laos.”

Le Duc Tho: Is this regarding Cambodia?

Kissinger: Also Laos. Because it says about all persons captured and detained—if this ever becomes public, somebody may say, “What about Americans?” Just so that we can say paragraph (c) doesn’t apply to Americans.

Le Duc Tho: But the last time I told you that all American prisoners have been returned to you. Therefore there is no American prisoner left in Laos.

Kissinger: Our major problem here is when you say, “each Lao party has the obligation of getting and supplying information to the other party about the missing in action, irrespective of their nationality,” how about the American missing in action?

Le Duc Tho: So I put it “irrespective of their nationality” already.

Kissinger: Yes, but this means that first the prisoners have to be released and only afterwards will American missing in action be accounted for.

Le Duc Tho: I have not understood you.

Kissinger: Our point is that we would like American missing in action to be accounted for as quickly as possible.

Le Duc Tho: But I have to say as it says in paragraph (c), the same words as in the Laos agreement.

Kissinger: I understand this, but our concern is with the American missing in action.

Le Duc Tho: But there is the phrase “irrespective of their nationality” already.

Kissinger: I know, but the timing.

Le Duc Tho: But we have to stick to the agreement for Laos. We can’t change it. But I believe that they will exchange only a small number of prisoners only, between the two Lao parties.

Kissinger: We would like some understanding that you will cooperate with us in getting some accounting for our missing in action. That is a very important issue in America.

Le Duc Tho: The Lao parties will stick to the agreement. But we will take into account your views.

Kissinger: But could we have an understanding between us?

Le Duc Tho: There is no need for such an understanding.

Kissinger: Why not?

Le Duc Tho: Because it is the Lao affair. The affairs belong to the Laotians. If we make understandings regarding their affairs it is no good because those are concrete affairs. There are two major questions on which we can have understandings with you regarding Laos: First, the ceasefire; second, the withdrawal of foreign troops. That is the only questions; the concrete questions are the concrete affairs of the Laotians.

Kissinger: Let me say a word, because I have to go. I have to meet with the French Foreign Minister. About Cambodia—this understanding you have given to us is simply not at all acceptable and I think it should be our first item of business tomorrow.

Le Duc Tho: And I completely . . . Your draft you gave me is also totally unacceptable.

Kissinger: Well then, maybe we should see whether we can work out something in between.

Le Duc Tho: I feel it is difficult and I have no other understanding in mind for the time being. Because the understandings we have had in the messages I have sent to you, and the Agreement we have had on this question, that is what we have.

Kissinger: Yes, but they proved to be very unsatisfactory.

Le Duc Tho: But since we have been talking on this question of Cambodia a very long time and you understand our difficulty, therefore, the understandings can be at that level only.

Kissinger: It is very difficult for me to return to America and to call for the scrupulous implementation of everything except the Cambodian part.

Le Duc Tho: No, the Cambodian problem is a question of sovereignty of the Cambodians. I think the American people understand now that the Cambodian problem comes under the sovereignty of the Cambodian people.

Kissinger: But you are dealing with the American Government, so that is what you have to deal with. I don't think you are an expert on what the American people understand.

Le Duc Tho: But what do you mean? I understand the American people . . .

Kissinger: You said the American people understand. I don't know whether the American people know exactly where Cambodia is located. But the American Government . . .

Le Duc Tho: But they are opposing the US bombing in Cambodia.

Kissinger: Mr. Special Advisor, you have gone through that illusion now for five years.

Le Duc Tho: But on that I have no illusion at all. But on many things I have no illusion at all, and there are things we have taken for an illusion and then it has come true.

Kissinger: Well, I think we have to discuss the understanding on Cambodia tomorrow. We have to discuss Article 11, and I think that is all. What else is there?

Le Duc Tho: I have given you the understanding regarding 8(c). [Tab B] I have never forgotten it.

Kissinger: Yes, but not that form, it is unacceptable. But we can discuss it tomorrow also.

Le Duc Tho: There is no other solution, because you have made the commitment to me previously on that question. We have to stick to it.

Kissinger: We will discuss it tomorrow. Should we meet at 10:30 at our place tomorrow?

Le Duc Tho: All right.

Kissinger: And should we plan our agenda? I must irrevocably leave tomorrow night. I will plan to leave about 8:00 o'clock, so we can work into the afternoon.

Le Duc Tho: I agree.

Kissinger: So we meet at 10:30 at my place. Thank you for the excellent lunch.

Le Duc Tho: You gave me an excellent lunch too.

Kissinger: But you never eat anything!

Le Duc Tho: It is my diet!

[The meeting then ended.]

62. Memorandum of Conversation¹

Paris, May 23, 1973, 10:30 a.m.–5:05 p.m.

PARTICIPANTS

Le Duc Tho, Representative of the Government of the DRV
Nguyen Co Thach, Vice-Minister of Foreign Affairs
Phan Hien, Ministry of Foreign Affairs
Col. Hoang Hoa
Nguyen Dinh Phuong, interpreter
three notetakers

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
Ambassador Graham Martin, Ambassador-Designate to RVN
George Aldrich, Deputy Legal Advisor, Department of State
William Stearman, NSC Staff
Peter W. Rodman, NSC Staff
Miss Irene G. Derus, notetaker

The group gathered in the living room for a short informal session before meeting around the conference table. The meeting began at 10:43 a.m.

Le Duc Tho: I wonder why it takes ten days for Ambassador Sullivan to prevail on Saigon.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 114, Country Files, Far East, Vietnam, Paris Memcons, May 17–23, 1973. Top Secret; Sensitive; Exclusively Eyes Only. The meeting was held at La Fontaine au Blanc, St. Nom la Bretèche. All brackets are in the original. The tabs are attached but not printed.

After this last meeting in the round, Kissinger sent a summary to Nixon. “Yesterday,” he told the President, “I concluded six days of negotiations in Paris with Le Duc Tho. We have agreed to meet again in Paris on June 6 to conclude a signed communiqué, the text of which is now agreed, as well as several private understandings. Ambassador Sullivan has gone to Saigon to explain the draft communiqué to President Thieu and obtain his concurrence, either to signing it as a four-party communiqué, or to our signing it with the DRV and stating in the communiqué that we are doing so with the concurrence of the GVN. The single, outstanding issue between us is Cambodia. I made it clear to Tho that we would not be prepared to sign the communiqué unless we receive a satisfactory understanding on this subject. The time between now and June 6 should permit us to exert pressure on North Vietnam concerning Cambodia through the Soviets and Chinese. The prospect of a final meeting on June 6 should also help us deter rash Congressional action with respect to Cambodia in the interim.”

On the central issue of Vietnam, as opposed to the important but secondary ones of Laos and Cambodia, the text of the draft communiqué constituted, according to Kissinger, “a clear net gain for our side.” Furthermore, no cost attached to these gains. That is, he continued, “we had to agree to resume compliance with the Paris Agreement in those areas where at the end of April we had cut off compliance to put pressure on North Vietnam—i.e., stop aerial reconnaissance over the North, resume mine clearance, and resume the meetings of the Joint Economic Commission. In other words, we gave up nothing of substance.” (*Foreign Relations, 1969–1976*, vol. X, Vietnam, January 1973–July 1975, Document 59)

Kissinger: Has Minister Thach drafted a welcoming statement for him [Sullivan] in Saigon?

Thach: I am waiting for his return here to know what is on his mind in Saigon.

Kissinger: I explained to you why I can't come back next week. Due to President Pompidou.

Now we have a number of outstanding issues.

Le Duc Tho: Before you speak please, Mr. Adviser, let me speak a few words. This morning there was a report that there was a proposal from the Saigon Administration that the four parties to the Paris Agreement would issue an appeal signed by all of the representatives to the opposing forces in South Vietnam that they should put an end to the hostilities. The military spokesman of Saigon.

Kissinger: Excuse me, where did they do this?

Le Duc Tho: The proposal was made by the Saigon side at the Two-Party Joint Military Commission. The proposal was about the ceasefire, about the delimitation of zones of control, the determination of the positions they occupied before January 27, the deployment of the Two-Party Joint Military Commission, the regional Commission and the local teams; that is to say, roughly just like what we have been discussing here.

We agreed yesterday that what we discussed here should not leak out, should not be revealed. But now the Saigon people reveal those things immediately the day after we discussed them, those points we have not completely agreed on, or we have agreed but we have not signed. And you recommended to me not to reveal the substance before we signed it.

So what you told me yesterday, today they have no longer value at all. Ambassador Sullivan is going now to Saigon. It will not be necessary for him to agree on anything with the Saigon people, although he will have some things to discuss with the Saigon people, but the main things it is not necessary for him to try to prevail over the Saigon people. I just would like to bring this report to your knowledge, Mr. Adviser.

Kissinger: Mr. Special Adviser, I am not familiar with this particular incident, and I do not know exactly what Saigon has proposed. What I am familiar with is that on Monday evening, after our meeting, President Nixon sent a letter to Saigon urging the schedule that we had tentatively agreed upon on the other document. Now it is possible that in order to save their own position the South Vietnamese made some proposals thinking there would be a communiqué this Friday issued by you and us.

Secondly, it does not seem to me outrageous to make proposals in the Two-Party Joint Military Commission which is designed for that purpose.

Thirdly, we have sent a telegram yesterday, after the change in our schedule, stressing the imperative need of secrecy and no leakage; that was sent yesterday afternoon after the end of our meeting.

So it is up to you what consequences you want to draw from it. We have kept our promise. We have tried to carry out our understanding and we have no knowledge exactly what it is that Saigon proposed. We started using our maximum influence starting Monday night, and there could have been a confusion about the sequence of events.

Le Duc Tho: So this fact is we think that the main power is in your hands, and it is alleged that you have to discuss with the Saigon people, and each fact added to the previous one make us draw such conclusions. I just bring this fact to your knowledge so that you pay attention to this.

Kissinger: Well, I will pay attention to these things. But I think now we have been negotiating four years—I mean it simply will not do any longer that almost at every meeting the Special Adviser accuses us of lying to him or of not carrying out our promises or he needs special assurances. I think he understands, or he should understand, that we have a difficult situation. We are trying to carry it out the best we can under fast-moving circumstances and complex communications and we are doing the best we can. It is up to him to believe it or not to believe it. But we are keeping our promises and we are keeping to the schedule and to the agreement I made with him yesterday.

On Monday night we were talking about a two-party document and with a different form of “shall” and “should.” On the assumption that we might complete that by the end of this week, we took immediate steps communicating with Saigon. Yesterday we changed to another mode of procedure which is to follow exactly the sequence of January 27th, creating a new situation. Also, yesterday there were still certain objections that we were facing. Inevitably it was a difficult situation. We agreed on the need for some delay. We had to switch these arrangements very rapidly and inevitably certain conditions can arise under these conditions, but that does not justify these constant accusations of untruths.

Le Duc Tho: It is not true that at every meeting I accuse you of untruths and of not keeping your promises, but always after some specific event, some specific fact, I raise this fact to you and I say that you did not keep your promise or you did not say the truth. It is really, it is the experience we have got throughout the past five years of negotiating with you. We have no ideas about delay; it is up to you. Maybe ten days or fifteen days or twenty days, we have no ideas about that. But I just want to point out the way of doing only, because if you

want to delay I can't tell you not to delay. If you want to expedite the affair, I can't tell you to delay. But as far as we are concerned any way will do.

Kissinger: We have told you exactly . . . First of all, I don't think it is appropriate for the Special Adviser, while he is negotiating with me, to say that he has had five years of experience of untruths on our side. If he has that complaint, then perhaps he should arrange another form of negotiations. So I think this is an inadmissible statement on his part.

Secondly, we have carried out everything that we have discussed in this negotiation. We showed you a way to make it a two-party document, which we could have carried out by the end of this week. That was our first assumption. It would have meant deleting the phrase "with the concurrence of," which we did not have at this time. We then changed the format, and for that reason, as well as for the fact that we did not yet have the concurrence of Saigon, it seemed to us better—in order to avoid a repetition of events of last October—to have a delay for Ambassador Sullivan to go to Saigon, and then to meet again as soon as possible after the meeting of the two Presidents in Reykjavik. What possible motive could we have to have Saigon make an announcement at the Two-Party Military Commission on a day that you and I agree that there should be a delay? You always mention the difficulties we have had, but you should also remember the many occasions when we used maximum pressure to carry out our agreements. I regret that the South Vietnamese made this proposal, with which I am not familiar, and of which I didn't know. And if you think about it for three minutes you will recognize that it served no American purpose. I also deplore the statements which you have made. I take note of your protest, which has some justification, and we will send a message to Saigon to make sure that the same thing does not happen again and to make sure this matter is not pursued further in the interval. That is the best I can do right now.

Le Duc Tho: Please, Mr. Adviser, let me speak a few words in this connection and then we shift to another subject. The reason that I mention about the experience we have got through our five years of negotiation, it is because on many occasions there have been promises from your part and then those promises were not kept. I do not want to recall here all the promises or all the facts, but only whenever there is such promises that were not kept, only at that time I raise the question to you.

As to the delay, we have no idea about that. You can delay what time period you like. We have no ideas for it and I agree with that. What I wanted to say is that any delay should be well grounded, well justified, and I can agree to any delay, but the delay should not be used as to hide other intentions, other ideas.

Kissinger: Mr. Special Adviser, I think we have pursued the subject enough now, but let me say this. The advantage of the delay, as I see it, is that it enables us to make precise preparations for bringing about a signature of the document close to the form in which you wanted it. That was unattainable by this weekend. It has the other advantage from our point of view, to speak frankly, that in the interval we will be able to get Ambassador Martin confirmed by the Senate so that he can go to Saigon shortly after we sign this document and help bring about its strict implementation. So our only intention has been to bring about an agreement that when we sign it this time can be implemented reliably and does not lead again to an endless discussion. And it prevents the situation of one of our representatives sitting in Saigon with a timeclock running against him and with no possibility of affecting events, which happened last October. We have no other intention.

As I explained to you on many occasions on this visit, normalizing relations between your government and ours is one of our principal objectives. The chief significance of this document is that it gives a basis to make another start, to make a fundamental change in our relationship. Because the individual clauses are not much different from the Agreement, but it gives both of us a chance to start a new relationship. Once we normalize our relations and once we no longer think of ourselves as enemies, then the whole psychological climate in all of Indochina will change. This is the most important result of what we are working on here. And it would be foolish for either of us to jeopardize that relationship by little tricks. Although there might be others who may have an interest in creating that impression. That is what we should always remember, that the normalization of our relations is the principal goal, and these clauses are only means to that objective.

Le Duc Tho: I have nothing to add to the views you have just expressed. The other day I told you in the same lines, and that is the reason why I have come here to negotiate with you. But definitely we should not reiterate this fact a second time. And next time when we meet we should discuss about the normalization of our relations, the means to bring about this normalization, and not this.

Kissinger: I know when the Special Adviser started smelling from that bottle we were going to have a brawl. [Laughter] Outside. I agree with you.

Le Duc Tho: [laughs] Now let us tackle our subject.

Kissinger: Give me one minute to complete this telegram to Saigon. If you think I use strong language to you, you should see what I am saying there. [He reworks Aldrich draft and approves message at Tab A.]

Now I have the following list. You have asked us for a Preamble and a final clause. We have some disagreement about Article 1. There

is some disagreement about the time for the mine clearing. We have some disagreement about Article 15, 8(c) and 11. We have briefly to discuss Laos, and we have brought you a proposal for how we might handle the Cambodia problem. That is still not satisfactory. And we have to discuss your understanding on prisoners. Those are the issues that I have.

Le Duc Tho: You are right.

Kissinger: Here is our proposal for the four-party document. On the two-party document we accept your preamble, just putting it into slightly different English. This is our proposal for the Four-Party document. [Hands over Tab B] And if Saigon agrees to having the PRG mentioned, we will have only a four-party document.

Le Duc Tho: One document signed by the four parties.

Kissinger: As I understand it, our agreement is as follows: We will either have a two-party document which says "with the concurrence of" and a four-party document without mentioning the parties except on the signature page, or we will have a four-party document which lists the parties in the preamble and then we have only one document.

Le Duc Tho: You are right. But if the document will be signed by two parties, who will sign it? If the document will be signed by four parties, who will sign it?

Kissinger: If it is signed by two and four, then you and I can sign the two-party document and you and I and the two South Vietnamese representatives here can sign the four-party document. If there is a four-party document only, we just have you and I and the two South Vietnamese parties.

Le Duc Tho: I agree.

Kissinger: So we would have to have two ceremonies, or one, that day, depending on how it comes out. We have to agree where to do it. I propose the American Embassy [laughter]. Notre Dame [laughter]. Maybe Avenue Kleber if you want to do it. It is up to you.

Le Duc Tho: We will repeat the former events.

Kissinger: Avenue Kleber. I have in my office a little case in which I have the Special Adviser's and my initials to the first agreement. When you come you will see it. So we will put this into it next to it.

Now in order to help you, perhaps we should give you our draft understanding on Cambodia and you can get it translated while we talk. [Aldrich hands over Tab C]

Le Duc Tho: For the opening paragraph [of the communiqué] roughly it is like this but we will leave it to the experts.

Kissinger: Let me repeat. We will meet on the 5th. I propose that Ambassador Sullivan and Minister Thach meet no later than the 3rd,

meet on the 3rd and 4th, so that any remaining difficulties can be taken care of. Is that agreeable?

Le Duc Tho: I agree.

Kissinger: And maybe if there are unusual difficulties, even the 2nd.

Minister Thach: The second.

Kissinger: Definitely, the second.

Le Duc Tho: I agree, the second.

Kissinger: All right, fine. [To Aldrich:] The trouble is that means I won't see Sullivan after because I'll still be gone.

Le Duc Tho: But there is the final clause for the two-party document. I will give you the draft.

Kissinger: Why don't Minister Thach, Mr. Aldrich, and Ambassador Sullivan work it out? There won't be any problem. We will follow the precedent of January.

Le Duc Tho: Yes, we follow the precedents of January.

Kissinger: Yes, that won't be any problem.

Le Duc Tho: We will follow the precedent of January and Ambassador Sullivan and Minister Thach will go into the details on the 2nd.

Kissinger: On the second. We may send you our version of it before the second so that you can study it. But I see no difficulty. And there may not be one—it may be that Saigon agrees to a four-party one, but we will see. We have another text. [To Minister Thach who is reading to Tho:] What are you translating, Mr. Thach? Cambodia?

Minister Thach: Yes, Cambodia.

Le Duc Tho: As to the opening paragraph and the final paragraph, we leave to Minister Thach and Ambassador Sullivan. Now, regarding other issues, what are your views, Mr. Adviser?

Kissinger: We have never really had a discussion formally about Cambodia and it is a very important part of this negotiation.

Le Duc Tho: I propose that we should finish our joint communiqué first and then we come to the understandings. Because there should be some order in it.

Kissinger: In other words I guessed wrong. All right. But we have to understand that this is an essential component for us. Let us go through the agreement then. We have for your convenience, we have an English text with brackets for the disagreed parts. [Hands over 2 copies of the draft communiqué, Tab D] Shall we turn to Article 1?

Le Duc Tho: Yes.

Kissinger: The disagreement is whether we should say "aerial reconnaissance over" or "reconnaissance activities against". We have to follow the phrase "aerial reconnaissance over" because "reconnaissance

activities against” includes methods which we are employing with respect to strategic arms limitation and if we accept “reconnaissance activities against” we will jeopardize activities which have nothing to do with North Vietnam. We can’t give you advantages which are not enjoyed by your ally. Because if you ask me again about Soviet missiles, we won’t be able to answer you if we have to give up our satellites. This is our concern, which does not affect the Democratic Republic.

Le Duc Tho: We maintain the wordings of our understanding.

Kissinger: I understand that, but we can’t accept that in a signed document.

Le Duc Tho: So I provisionally give you this concession, but you should make concession to me on other points.

Kissinger: But it doesn’t affect anything in the DRV! I will then send you some pictures of Moscow taken from a satellite.

Le Duc Tho: But you have made photographs of Moscow too?

Kissinger: Yes. From a satellite, not from an airplane.

Le Duc Tho: Your satellite didn’t see pictures of tanks?

Kissinger: You want to see pictures of tanks? When I come on June 5 I will bring you pictures of tanks. Of elephants camouflaged as tanks.

Le Duc Tho: But these pictures of tanks can be taken anywhere.

Kissinger: But you will recognize the place. You will have been there. There is a big sign that says “Route 7.”

Le Duc Tho: Photographs of tanks and trees and shrubbery can be taken anywhere.

Kissinger: You have got a point there. But at any rate these are different photographs. These are from airplanes, but we know where they were taken.

Le Duc Tho: Then the tanks sent to An Loc city, why did you not see them?

Kissinger: It may be that you sent tanks this time that we didn’t see. I don’t exclude that you send more than we know!

Le Duc Tho: If you can’t take photographs of these tanks, then what evidence can you give to say there are some?

Kissinger: We have other information.

Le Duc Tho: But your intelligence service is confused. [Laughter]

Kissinger: Let us separate two things. It may be that some things we cannot prove publicly but we know nevertheless to be true, and our mutual relations will be affected by what we know to be true, not by what is being said publicly. So if massive violations of Article 7 continue, it will have a serious effect on our relations.

Le Duc Tho: As I told you the other day, if now the war is ended then no problem arises about Article 7.

Kissinger: All right. Shall we go to Article 2? Article 2. The disagreement is still whether it should be thirty days or twenty-five days. Let me make this proposal to you. For today I can go no further than to say thirty days, but to give you an understanding that we will make a very great effort to do it in twenty-five days. Now that we have more time, I will go back and talk to our Navy people in Washington and then by the time Ambassador Sullivan comes back here I can reduce it to twenty-five days. It is purely a technical question here, not a negotiating question.

Le Duc Tho: But in fact you have prolonged too much the mine clearing operation. Now we propose a time limit of twenty-five days and there is a discrepancy between our proposal and your proposal of only five days. But what is important is that you should respect the time we have agreed here, whether it is twenty-five days or thirty days.

Kissinger: This is why we want to make absolutely sure. We will respect the time limit.

Le Duc Tho: And you interrupt the operation in midway and you repeat the interruption a second time. This will be the last time.

Kissinger: Twice. I agree. Of course, this is assuming everything will be carried out. But I agree that there will be no further interruptions. I was just discussing a problem with Mr. Aldrich which I think Minister Thach and Ambassador Sullivan should settle. We should have in the preamble a mention of the fact that what follows the preamble in the basic agreement, so that people know why we do it in this way.

Le Duc Tho: All right.

Kissinger: No problem. That is right. It is a minor thing. Now we come to paragraph 4.

Le Duc Tho: We want to remind you in this paragraph, that is, the paragraph regarding the ceasefire.

Kissinger: Which paragraph, 3?

Le Duc Tho: I would like to refer to the date of the ceasefire. I would like to recall the following sequence. On June 5th we will meet again and we will initial the joint communiqué.

Kissinger: You want to initial it? You hadn't decided yesterday.

Le Duc Tho: It is up to you.

Kissinger: All right. I have no objection.

Le Duc Tho: All right, we will initial. Then on June 6th, we will publish the joint communiqué, on June 7th the official signing ceremony and the two parties will issue a ceasefire order.

Kissinger: Twenty-four hours.

Le Duc Tho: And twenty-four hours thereafter the ceasefire order will become effective. So we would like to add one more sentence that

“the ceasefire order should be issued at the same time of the signing ceremony.” We just fill out the blank here.

Kissinger: We just fill in the blank for the time of signing. Yes. We agree. It doesn’t change the text, it just means that we put in as the time of the order the time of the signing.

Thach: But at the same time it is the time for issuing this order.

Kissinger: That is what I mean. The ceasefire order will be issued at the same time that it is signed. If I know our Vietnamese friends, we better make it the time of the signing of the four-party document. I agree. Let me give you this. [Dr. Kissinger hands over the draft of the ceasefire order, Tab E.] This is the draft of the ceasefire order, which we think is agreed.

Le Duc Tho: I agree. There should be a reference to Article 2 and 3 of the Agreement, to make it clearer.

Kissinger: Which provisions, the basic document?

Thach: Of the protocol. This is referring only to Article 2 of the Protocol, but actually there should be reference to Articles 2 and 3 of the Paris Agreement to make it clearer.

Kissinger: We agree. The one consolation I have is that Mr. Sullivan will have a harder time tomorrow than I had today.

Le Duc Tho: [laughs] But it is different between you and I and Mr. Sullivan and the Saigon people.

Kissinger: First of all, not as much as you think, and secondly, Mr. Duc is a Harvard graduate.

Le Duc Tho: Your student then? [Laughter]

Kissinger: No, no. Then paragraph 4, the issue is whether it should be . . . As I understand it, Minister Thach raised two issues yesterday: one, whether this should be a separate article, and second, concerning the last line. He is doing it only for bargaining purposes, so I propose we return to the original draft.

Le Duc Tho: What do you mean, return to original draft?

Kissinger: To what they agreed on the other day.

Le Duc Tho: It is not true. We maintain that this sentence be maintained in this paragraph, but I told you the other day that as to the wording we should discuss.

Kissinger: I think you said that he had some minor changes, nothing of substance.

Le Duc Tho: In fact there is no substantial change.

Kissinger: Well, there is a deletion.

Le Duc Tho: So the sentence will read “In conformity with Article 15, military equipment may transit the demilitarized zone only if introduced into South Vietnam as replacements pursuant to Article 7 of the

Agreement.” So when we say “pursuant to Article 7 of the Agreement,” it means it must go through the designated points of entry and it has been referred to in the previous paragraph, (b).

Kissinger: The Special Adviser is very proud of himself. “Article 7 of the Agreement.” And we have to add “and Article 7 of the Ceasefire Protocol,” because that is the only one that talks about designated points of entry.

Le Duc Tho: And Article 7 of the Protocol?

Kissinger: Of the Ceasefire Protocol.

Le Duc Tho: Regarding Article 15. I read it: “In conformity with Article 15, military equipment may transit the demilitarized zone only if introduced into South Vietnam as replacements pursuant to Article 7 of the Agreement and Article 7 of the Ceasefire Protocol.”

Kissinger: Yes, and I accept provisionally—with the understanding that this principle is applied to other articles where specificity may be in line.

Le Duc Tho: I would like to tell you before hand that you should not link this paragraph with the paragraph dealing with Article 11 of the Agreement.

Kissinger: I never mentioned Article 11!

Le Duc Tho: You can put “pursuant to Article 7 of the Agreement and Article 7 of the Ceasefire Protocol” or you can put “pursuant to Article 7 of the Agreement and then only by direct route to a designated point of entry.” Any way you could do it. Either form is all right. Whichever you prefer.

Kissinger: I see. Are you trying to build a diagonal route across the DMZ?

Le Duc Tho: The question is whether the provision will be implemented or not. Whether in a direct way or zig-zag way, this is not a principle.

Kissinger: I once had a plan for defending South Vietnam. It was very complex, but it was very clever.

Le Duc Tho: You mean McNamara’s line? [Laughter]

Kissinger: I thought that if we could dig a canal around it [South Vietnam], since we have experience in defending off-shore islands, we would do better. [Laughter]

Le Duc Tho: A frogman can approach it. There are many means to do that.

Kissinger: All right. We accept and say “and through a designated point of entry.”

Le Duc Tho: All right.

Kissinger: All right, does that finish paragraph 4(c)?

Le Duc Tho: And without separate paragraph (c).

Kissinger: I don't think that is fair to Article 15, on which we worked so hard. [Laughter] I think we should keep it a separate paragraph.

Thach: Yes, a separate paragraph but not a subparagraph (c).

Kissinger: Oh, you want to take the letter out. I see. All right, separate paragraph.

Le Duc Tho: But 8(c), you should not delete it! All right, now we are at paragraph 5(b), we propose the following . . .

Dr. Kissinger: Now when we settle that, we will be back to Article 11. On Article 5, our proposal is to say "do their utmost," and then to give you the same understanding we had last time. This is in conformity with the Agreement.

Should we say "from today" or "from the day of signature of this document?"

Thach: Today is not today! [Laughter]

Kissinger: Well, I know it wasn't today but should we say "today" in a formal document?

Le Duc Tho: I agree to delete the words "do their utmost." [Laughter]

I agree to keep the word.

Kissinger: Oh, to keep! Will you explain to the Special Adviser what he interpreted? You have our understanding [Tab F].

Le Duc Tho: It is the same wording as the previous understanding. I add only the improvement of the detention regime.

Kissinger: I agree to the improvement of the detention regime, and we will see to it that Ambassador Martin makes a special effort in that direction.

Martin: You are going to give me the maps.

Kissinger: Well, you gave me something but it's not too detailed. For example, there was one prison where you said there were 10,000 people; we will have that checked immediately. We think there are only 3,000. We will support an impartial investigation of each of those installations to get their numbers.

Now, Mr. Special Adviser, you are under a misapprehension about what I said in Hanoi. While I was in Bangkok the Saigon Government informed me that they would release 5,000 prisoners—not 5,081 but 5,000. So I told you 5,000. Secondly, they claim they have released those 5,000—I am just saying what they tell us—and they have offered to supply the lists of those 5,000 and have the International Control Commission confirm that they have been released. This is all the information that I have.

Le Duc Tho: So whether they have released them or not, the point is that now all persons that are being held should be released as you

promised me. Therefore, I agree to delete the sentence “the return of 5,081 persons as stated by Dr. Kissinger on February 11 in Hanoi will be carried out immediately.” So suppose now they have been released, then no problem arises; but suppose they haven’t been released, then they are still in jail. Then we have this understanding, so the major part shall be released in the thirty days and the other in the remaining fifteen days.

Kissinger: All right, and we will phrase it in the same way as we did in January. I agree to the principle.

Le Duc Tho: It is the same words as our understanding in January.

Kissinger: Not in the English text, maybe in the Vietnamese.

Le Duc Tho: In English too.

Kissinger: The English text says, “The U.S. will exert this influence to promote the return of the greater part of such detainees within sixty days and the return of all such detainees within ninety days.” Now we just say thirty and forty-five and with the same English. We agree to exactly the same understanding as last time. And we agree to use the additional paragraph about human treatment. That is new but we agree to add it. That was not part of the understanding. It is in the Protocol, but it is not an understanding between us. But we agree to make it an understanding.

Le Duc Tho: We hope that this time our understandings will be scrupulously carried out. And I do wish that Ambassador Martin, when you go to Saigon, you will see to the strict implementation of the understanding.

Kissinger: He is very mean.

Le Duc Tho: And I hope that between Dr. Kissinger and I we should not—this is an important sentence—have to make an understanding the third time.

Kissinger: I understand.

Le Duc Tho: You understand, but do you agree with it?

Kissinger: I will do my utmost; I agree to the hope. All right, we are now at paragraph 7. We accept our old proposal. [Laughter]

Le Duc Tho: No, we resolutely maintain this Article 7. If you don’t accept this paragraph it means that you are unwilling to specify the democratic liberties, so that they will not be implemented in South Vietnam.

Kissinger: No, it means we don’t see that there needs to be a detailed description of one paragraph when all of the others have been summarized.

Le Duc Tho: Buy why regarding Article 7 of the Agreement do you want to put in everything—the point of entry and so on—but with

this article you are not willing to accept the details? As I told you, this is the article which has been most violated in South Vietnam, even the freedom to carry out their toil, their work and earning their life, they are not allowed to do so.

Kissinger: We are not saying they shouldn't do it; we are saying referring to Article 11 makes it perfectly plain what democratic liberties we are talking about.

Le Duc Tho: But we would like to specify which are those freedoms.

Kissinger: I know what you would like, but we think this will have the great danger of unbalancing the document.

Le Duc Tho: But there are paragraphs dealing with other articles that bring about an imbalance too, because the paragraph you have written to deal with the question of missing persons is much longer than the paragraph dealing with Article 11. If you speak about imbalance. And the paragraph you have written to deal with the question of missing persons is much longer than the paragraph dealing with Article 11. So why do you speak about imbalance? Moreover we only repeat the wording of the Agreement, in the words of the Agreement.

Kissinger: Yes, but that is what we did elsewhere too.

Le Duc Tho: No, you definitely should put in Article 11.

Kissinger: No, we cannot agree to putting in Article 11.

Le Duc Tho: Then I cannot accept your position. [Both sides confer.]

Kissinger: Maybe we should put it aside for the time being and complete our other work and then come back to it.

Le Duc Tho: I propose another point. I propose to delete your point 6, that is, the paragraph dealing with "in conformity with Article 9." I propose to delete this paragraph because if you want to maintain this paragraph then you should add another paragraph after the paragraph on ceasefire; that "the U.S. will not continue its military involvement or intervene in the internal affairs of South Vietnam." Before point 4. Then point 6 may be maintained.

Kissinger: The difficulty that we are facing now is that yesterday this was agreed. The only thing that either Washington or Saigon believe is still disagreed are the items we have in brackets here. If now I come back and say there are new provisions, this makes an impossible situation.

Le Duc Tho: I will reply to this question. When agreement is reached between you and I then I will accept, but Minister Thach cannot replace me, therefore when agreement is reached by the experts . . .

Kissinger: That is technically true; legally that is true. But practically that is extremely difficult.

Le Duc Tho: Minister Thach cannot replace me to solve this question. I repudiate Mr. Thach's position.

Kissinger: [to Minister Thach:] Do you want to sit over here, Mr. Thach?

Le Duc Tho: And he cannot replace and sit on your side. This is a sentence dealing with principles only. But if you want to maintain point 6 then I have to add another paragraph dealing with the U.S. stopping its military involvement and intervention. Moreover, here we review the concrete articles and find out the means to implement the articles; otherwise we have to repeat all articles dealing with U.S. commitments, DRV commitments, the U.S. has made. This sentence is a commitment by both the U.S. and the DRV, but we wanted to delete it.

The purpose we have in mind here is to review the implementation of the Agreement and to find out, to decide on measures to be taken to insure a strict implementation. If we look at the complete joint communiqué, then we see all of the points are measures that have been taken. There is no point dealing with your commitments or our commitments.

Kissinger: When we reviewed at the beginning of our meeting the outstanding issues and listed them, this point was not mentioned. You agreed with me what the outstanding issues were.

Le Duc Tho: No, I did not express my views. It is a new one I have added.

Kissinger: I propose a five-minute break. I will go out and say to the press that the Special Adviser has repudiated the Minister in everything he said yesterday. [Laughter]

Le Duc Tho: But speaking of right of power or authority, I have the authority to repudiate Minister Thach's views.

Kissinger: I have no doubt of your authority.

Le Duc Tho: But when agreement is reached by you and I, then no one has the authority to repudiate it.

Kissinger: The President has the authority to repudiate me. But it will not happen. I promise you that the President will not repudiate me.

Le Duc Tho: And I am sure my government will not repudiate my views too.

Kissinger: Shall we take a five or ten minute break and then finish this?

[The meeting breaks at 12:45 p.m. Dr. Kissinger and his staff confer walking back and forth on the lawn in back of the house. The meeting resumes at 1:25 p.m.]

Kissinger: All right, Mr. Special Adviser, we have discussed this problem. One, we maintain paragraph 6. Two, we will be prepared to quote Article 11 if it is clearly identified as a quotation. Three, there should be some reference to Article 13 which we are drafting, and

which we will have Mr. Aldrich discuss with Mr. Thach. And all of this is within the framework of a satisfactory understanding on Cambodia.

Le Duc Tho: A little while ago you wanted to put Article 13 of the Agreement in point 8 of your document.

Kissinger: We propose it as (c) of Article 8. Just one sentence. We would say "In conformity with Article 13 of the Agreement, the two sides will accomplish as soon as possible the reduction of military effectives and the demobilization of troops." [He hands over Aldrich's handwritten draft of the sentence.] We should give it to the interpreter since Thach is repudiated.

Le Duc Tho: What is not in conformity with the Agreement I will repudiate. What is incorrect I will repudiate.

Paragraph 6 is unacceptable to us. If you maintain it you should put in the U.S. commitment to stop this military involvement and not to interfere in South Vietnam. All these are commitments. If you refuse to put the U.S. commitment regarding military involvement then I omit also the commitment in paragraph 6. All these are commitments. In the document we review the specific questions, we review specific articles for implementation. We do not refer to the principles in the Agreement. For instance, the principles were the U.S. respect the independence of the peoples of Vietnam, the U.S. will stop its military involvement in South Vietnam, its intervention in South Vietnam. We do not want these points in the document. All this joint communiqué points out the specific measures to be taken for the implementation of the Agreement. So this is our position: If you put in your paragraph 6, then I have to add the previous paragraph.

Now regarding the democratic liberties, if now you accept it but you link it with the question of Cambodia, that will not do.

No I will tell you about the Cambodian problem. From the very beginning of the negotiation before on the peaceful solution of the Vietnam problem, your original intention is to settle the whole problems of Indochina at one time. But I refused it; I said the Vietnam problem should be settled separately, the problem of Laos should be settled separately, the problem of Cambodia should be settled separately, without linking one to the other. And during the course of our negotiations you agreed to settle the Vietnam problem by means suitable to Vietnam, Laos by means suitable to Laos, and the same for Cambodia. Therefore we have settled Vietnam's problems separately, Laos separately and Cambodia separately. Therefore I think that those questions should not be linked to each other for bargaining purposes.

Now we have reached an Agreement. We have to implement the Agreement. But if you want to discuss with me about Cambodia, it is another problem.

Kissinger: Mr. Special Adviser, the practical matter is whatever we call it—whether we call it linked, or not linked, or separate—that is a question of semantics, which I am glad to handle any way you want. The realities of the situation are that if we are going to be able to implement what we have agreed with each other, then we have to face the realities each side has. We cannot have a situation in which one side exerts unrelenting pressures. The result will be that key points of the Agreement will not be implemented again. I have told you for many months what our requirements are. We have given you a draft understanding on Cambodia which lists only what we can do, what is in our control. It is not going to be comprehensive in America and elsewhere why that cannot be agreed to.

Le Duc Tho: First, I would like to raise a principle first. In our negotiations the Vietnam problem and the Cambodian problem shall not be linked with each other. My intention is that Article 11, the freedoms, liberties should not be linked with the Cambodian problems for bargaining. We have peacefully settled the Vietnam problem; we have peace in Laos; there is no reason that we don't have peace in Cambodia. But our difficulties are known to you. The solution, the settlement of the Cambodian problem comes under the competence of the peoples of Cambodia, the competence of the Royal Khmer National Union Government. How can you and I settle on their behalf? For instance, in your draft you raise the question of the ceasefire. But the fighters now in Cambodia are Cambodians themselves. The Cambodians are an independent, sovereign people. How can you tell me to settle the Cambodian problem? This is a reality. I have talked privately with you lengthily on this problem. I do not want to repeat it again. But your approach is incorrect, first because you link this question of Cambodia with the writing of Article 11 regarding the democratic liberties. Now I never make pressure on you.

Kissinger: You do so well without it that it is hard to conceive what you would be like if you put pressure on me.

Le Duc Tho: You have been making pressure on me all the time, but I have come here this time again to negotiate with you. Before my coming here you have interrupted the mine clearance, you have stopped the work of the Joint Economic Commission, you have bombed South Vietnam, but I have come here to talk with you. So who is making pressure on whom?

So I propose that we should finish the joint communiqué first, and then we will deal with the Cambodian and Laos questions. Whatever views you would like to express I will discuss with you.

Kissinger: We are not linking the Cambodian question to Article 11. We are linking an understanding on Cambodia to the whole possibility of proceeding on this basis. This is a fact. This is not pressure.

Le Duc Tho: Even now if you link the Cambodian problem with Article 11 here, and if you say that if we do not satisfy your requirements regarding Cambodia then you will not accept this Article 11 . . .

Kissinger: I didn't say Article 11.

Le Duc Tho: Even if we do not satisfy your requirement regarding Cambodia then you will not solve the questions we are facing here, then there is no solution. I cannot do otherwise. The problem depends on the competence of Cambodia.

Kissinger: It has always been clear that the understandings are part of the general agreement.

Le Duc Tho: We have settled with you the Agreement, and besides the Agreement the understandings. But with regard to the understandings there is a capability beyond which we cannot go. There is nothing that should be beyond our capability.

Kissinger: That is why we put nothing in this draft understanding that is beyond our capability. Because it affects primarily the outside forces.

Le Duc Tho: So you have raised the question of Cambodia for the past few years throughout our negotiations, throughout the conclusion of the Paris Agreement, during your visit to Hanoi—but I have always explained to you regarding Cambodia that we can do nothing other than what we have written and talked to you. If now you ask me to settle the question of Cambodia as in the draft you have given us, I can tell you that even if we don't sign the joint communiqué with you we cannot settle it. We can't do that although I do want, I do desire to sign it. But the problem is complicated. It is not as simple as you think. It involves the independence and the sovereignty of the Cambodians. It must be solved by the Cambodians. You, like me, will contribute to the settlement only; we can't fix the point as you have mentioned in the draft. We are prepared to bring our contributions to bring peace to Cambodia. We have no other meaning. As I told you on many occasions, once the Vietnam has been peacefully settled and once the Laos problem has been peacefully settled, it is our earnest desire to see Cambodia have peace also. We don't want that the war be continued there.

So you have driven me into an impasse.

Kissinger: So what do you propose concretely?

Le Duc Tho: Regarding the joint communiqué?

Kissinger: In general, how do we proceed now?

Le Duc Tho: So I propose that we will have finished the joint communiqué and then we will discuss the understandings regarding Laos and Cambodia. Regarding the understanding on Laos, whatever you want to add I am prepared to discuss with you. Regarding Cam-

bodia, I have explained to you that we can't do otherwise. If you maintain your position then no solution is possible.

Kissinger: Well, we may then have to delay and meet again in two weeks after we have both studied the situation.

Le Duc Tho: I agree. I can tell you that even now we can't sign this joint communiqué. I can't agree to your proposal regarding Cambodia because it is the sovereignty of the Cambodians. We can't speak on their behalf. I tell you this very openly, very straightforwardly. If now you interrupt the discussion of the joint communiqué because you want us to satisfy your position regarding Cambodia, then we can't do otherwise. Because we can't settle the problem of Cambodia as you proposed.

If you want to delay it two weeks to discuss the joint communiqué, it is up to you. But I can tell you frankly and straightforwardly that because of our desire to settle the problem we have come here, but you raise problems that lead to the impossibility of a settlement.

Kissinger: Why is it impossible for you to agree to do something that is required for you to do by Article 20 of the Agreement, namely to withdraw your forces?

Le Duc Tho: We will carry out Article 20 after there is a solution in Cambodia, just as was done in Laos.

Dr. Kissinger: That is a violation of the Agreement too. There is nothing in Article 20 that says "with the agreement of their allies" or "after the conclusion of a political settlement." Article 20 says that "Foreign countries shall put an end to all military activities in Cambodia and Laos totally withdraw from and refrain from reintroducing into those countries . . ." It doesn't say anything about that there has to be a political settlement first or that it is conditional. It is not a condition: it is not tied to anything. It is an unconditional obligation.

Le Duc Tho: There is no provision in the Chapter to decide the withdrawal of troops by what and what date. You are not realistic in dealing with the problem. You should be realistic if a solution is to be found. I have told you on many occasions, the problem of Laos should be settled differently from the Cambodian problem, and so is the Vietnam problem. Regarding Laos I can have an understanding with you with the agreement of our allies. So we are in a different condition. But the Cambodian problem is different. If we should settle as you proposed, then the problem becomes more complicated and more difficult.

Kissinger: Well, maybe we should have a quick lunch and attempt again to discuss for a little bit afterwards, and then we can decide what to do.

Le Duc Tho: I agree.

[The group broke at 2:00 p.m. for lunch and resumed at 3:30 p.m.]

Kissinger: I have a concrete proposal, Mr. Special Adviser. You begin by signing the understanding on Cambodia! But as a sign of good will you can remove your troops in 15 days.

But let me make a proposal to end this impasse. We will accept Article 11, simply quoting the other one. We will say: "The two South Vietnamese parties shall implement Article 11 of the Agreement, which reads as follows:" and then just quote it. We will agree to drop paragraph 6. But we will propose that we begin paragraph 8 as follows: "Consistent with the principles of Article 9 which affirm the South Vietnamese people's right of self-determination," and then the rest of Article 8. So it isn't a new principle and it is not an undertaking by the U.S. and DRV. Then we have (a), (b), and (c), including the reference to Article 13. Then for stylistic reasons we have to move the phrase "In conformity with Article 12 of the Agreement" to the end of paragraph (a).

Le Duc Tho: Let me make a comment now. Regarding Article 11 we agree to our formulation that you have agreed to.

Kissinger: As a sign of good will!

Le Duc Tho: As to the sentence "consistent with the self-determination of the South Vietnamese people", you put it in a place that it will cover subparagraphs (a), (b) and (c), and that will not do. It is possible to delete paragraph 6, but to put it in this place will not do.

Kissinger: No, there is a big difference, Mr. Special Adviser. Paragraph 6 says "that the US and DRV reaffirm their undertaking to respect the South Vietnamese people's right of self-determination". Now it is quite conceivable to us that you do not want to make a new commitment to a principle when no other principle is being reaffirmed. We think this is an argument which we can understand. But all we are saying now is something that is already in Chapter IV of the Agreement; it begins with Article 9 which states the principles. So we are saying the implementation of Articles 12 and 13 is consistent with the principles of Article 9. We make no reference to the US or DRV.

Le Duc Tho: I propose the following: "Consistent with Chapter IV regarding the implementation of the South Vietnamese people's right to self-determination: (a), (b), (c)."

Kissinger: What is wrong with "the principles of Article 9?" I don't understand it.

Le Duc Tho: I have no objection to the principles of Article 9 but all these points are covered by Chapter IV. All these points are covered by Chapter IV. If you speak about only Article 9, then only (a) and (b) are covered by Article 9. But if you speak of the whole chapter then (a), (b) and (c) are covered by the whole chapter; that is to say, the

formation of the National Council, the settlement of the internal affairs of South Vietnam, and the question of armed forces in South Vietnam.

Kissinger: I am always grateful to the Special Adviser for trying to improve my draft. I know it is the only motive he has, in that simple, straightforward, direct mind of his.

Le Duc Tho: Straightforward and serious.

Kissinger: Serious, yes; straightforward, no. He approaches every objective via the Ho Chi Minh Trail [laughter]. Now read me that thing again.

Le Duc Tho: "Consistent with Chapter IV of the Agreement regarding the exercise of the South Vietnamese people's right to self determination: (a), (b), (c)." (c) is the subparagraph dealing with the armed forces in South Vietnam and written just as in the Agreement, Article 13.

Kissinger: Just one second.

Le Duc Tho: I propose "in conformity with" or "consistent with".

Kissinger: No, we have to have "consistent with Chapter IV." Let me make a suggestion. If we say "consistent with Chapter IV of the Agreement regarding the South Vietnamese people's right of self-determination and the principles of Article 9."

Le Duc Tho: Or the following: "consistent with the principles regarding the right to self-determination mentioned in Chapter IV." "Consistent with the principles for the exercise of the South Vietnamese people's right to self-determination mentioned in Chapter IV."

Kissinger: Can we say something stronger than "mentioned". [Laughter] I mean "affirmed" or "stated" in Chapter IV."

Min. Thach: "Reaffirmed."

Kissinger: We just mention this in passing, I know you take it terribly seriously.

Le Duc Tho: "Stated."

Kissinger: "Consistent with the principles for the exercise of the South Vietnamese people's right to self-determination stated in Chapter IV of the Agreement." Then there is a colon. Do we disagree on the colon? [Laughter] We agree on that. Can we just make sure we have the same text? Let me read what it says. Eight.

Thach: No, it is now seven.

Kissinger: Or we could leave six and say, "wrung away from Mr. Kissinger by Special Adviser Le Duc Tho." Or "deleted by Special Adviser Le Duc Tho who refused to consent to unanimity."

Le Duc Tho: We will have it in an understanding.

Kissinger: 7(a). I notice the Special Adviser's health immediately improves when he has wrung a concession out of us. "(a) The National Council of National Reconciliation and Concord consisting of three

equal segments should be formed as soon as possible, in conformity with Article 12 of the Agreement." We are moving it only because of the colon. Actually we don't have to move it now.

Le Duc Tho: I agree.

Kissinger: "(b) The two South Vietnamese parties shall sign an agreement on the internal matters of South Vietnam as soon as possible and shall do their utmost to accomplish this within 45 days from today."

Le Duc Tho: I agree, "do their utmost."

Kissinger: The vision of all Vietnamese doing their utmost is more than I can stand. The strain will be too great. (c) You are forgetting about (c). "The two South Vietnamese parties shall as soon as possible accomplish the reduction of military effectives and the demobilization of troops in conformity with Article 13 of the Agreement." And they shall then return to their native places. [Laughter]

Le Duc Tho: Because this is a matter of contention, therefore, I propose to stick to the words of the Agreement.

Kissinger: What is the wording?

Le Duc Tho: "(c) In conformity with Article 13 of the Agreement the questions of Vietnamese armed forces in South Vietnam shall be settled by the two South Vietnamese parties in a spirit," etc. Then quote all the things of Article 13. "The two South Vietnamese parties will accomplish this as soon as possible."

Kissinger: Why don't we say "The two South Vietnamese parties shall implement Article 13, which reads as follows:" and then just quote it.

Le Duc Tho: I agree.

Kissinger: OK. We are finished with the agreement. You don't want to add "return to their native places." [Laughter] Where will they go when they are demobilized, just for my information? To visit their families in Cambodia?

Le Duc Tho: They know the way they will go. [Laughter]

Kissinger: Another thing. We could just have a joint appeal by Hanoi and Saigon saying "Everybody go home," and see where they would go. All right. Now does that settle the outstanding issues in the agreement, I mean in the communiqué?

Le Duc Tho: It is completed now.

Kissinger: All right. Then I propose that Ambassador Sullivan and Minister Thach meet on the second. First of all, tomorrow Mr. Engel and Mr. Phuong meet to conform the Vietnamese text. Where, Rue Darthe?

Le Duc Tho: Rue Darthe.

Kissinger: Rue Darthe. Anything you cannot settle that is left open will be done on the second. Because I will take Mr. Aldrich and Amba-

sador Martin home with me. So any disagreements will have to be settled between Ambassador Sullivan and Minister Thach.

Le Duc Tho: As to schedule, I propose the following change: Ambassador Sullivan and Minister Thach will meet on June the 2nd. I have agreed. But when we meet again, I propose the 6th of June, because I have reviewed my program and I want one day delay.

Kissinger: Are you planning to take Sa Huynh on the 7th of June? [Laughter]

Le Duc Tho: Then the communiqué will be published on the 7th of June and then we will sign it on the 8th of June. So the date of the ceasefire order is also the 8th.

Kissinger: I agree.

Le Duc Tho: 24 hours thereafter, that is to say on the 9th, the ceasefire will become effective.

Kissinger: Now should we have, in that case, the two saboteurs meet on the 3rd if we are going to delay our meeting? I prefer this schedule because it gives me a chance to talk to Mr. Sullivan after I return from Iceland. [They nod yes.]

All right. Now we have then to settle the understandings.

When Ambassador Sullivan and Minister Thach meet, just to avoid controversy, they will fix the deadlines for the work of the various groups. And they will use the interval foreseen if the agreement had been signed on May 25, in other words 20 days more or less for the Economic Commission, and they will be authorized to fix it. It was June 15; we had said June 15 for the Joint Economic Commission. It should now be June 28th. June 30th.

Le Duc Tho: It should be the 26th.

Kissinger: Why 26?

Thach: I had agreed with Ambassador Sullivan that four days after the signing of the communiqué then the Economic Commission will resume, and then the Economic Commission will resume on June the 12th and then we have to complete its work on the 27th.

Kissinger: All right. What day in the week is the 12th? It is the middle of the week, that is all right. I agree. If I had Vietnamese blood I would fight for an hour and make it June 28th. We will make it the 27th. So this is completed.

Now we have Laos and Cambodia. We are talking about Laos. Or is the Special Adviser going to go to Cambodia?

Le Duc Tho: If you wish to tantalize me, then you speak about Cambodia.

Kissinger: We have agreed on the understanding as to prisoners, which will be the same as the old one except for the time period of 45 days and another paragraph about humane treatment.

Le Duc Tho: I agree.

Kissinger: Now with respect to the draft understanding on Laos. [Tab G] I think we have agreed on Article 1, substituting “strong desire” for “wish”. I have really one or two word changes which I think should be settled by Sullivan and Thach, such as where you say “current negotiations now going on”. I think we should say “current negotiations” and leave out “now going on”. It is purely stylistic.

Le Duc Tho: Yes, I agree.

Kissinger: And say “between the two parties concerned in Laos”, I think it is better to say “between the two Lao parties” because who are the concerned parties?

Le Duc Tho: I agree.

Kissinger: Paragraph 2. Since you have accepted 15 days, I think that is now satisfactory. Would the Special Adviser like to make a comment on that?

Le Duc Tho: Yes. I propose 30 days to be in conformity with the agreement on Laos. But we will try to do this as soon as possible. I have been following up the negotiations in Laos, but I just wanted to draw your attention to the fact that the Vientiane side have gone beyond the agreements on Laos on a number of provisions. Therefore, I would like to draw your attention to this fact. So you can put 15 days or 20 days; we can agree with our allies. But what is important is that they should make an effort to come to a settlement.

Kissinger: I agree.

Le Duc Tho: Because we have experienced in the past that we set a time limit but they do not make any effort to settlement.

Kissinger: But now, Mr. Special Adviser, I think we have to.

Le Duc Tho: Therefore you and I should make an effort this time.

Kissinger: Mr. Special Adviser, I am sending Sullivan to Vientiane from Saigon in order to use his influence. But it is our impression, first of all, that your side spends an exorbitant amount of its time in Sam Neua.

Le Duc Tho: Our allies have gone long ago. Since April 27 already.

Kissinger: Secondly, it is our understanding that the biggest hangup now concerns the Vice Prime Ministership, which was not provided for in the agreement.

Le Duc Tho: I know that.

Kissinger: And that was not in the agreement.

Le Duc Tho: But the difficulty is that regarding a number of other provisions the Vientiane side have gone beyond the signed agreement.

Kissinger: For example?

Le Duc Tho: Therefore, I think that they should now stick to the text of the agreement for a second time.

Kissinger: All right. To the extent that that is a problem, we will look into this. What specifically are your problems? Can you let us know?

Le Duc Tho: On a number of military questions, for example, the question of the International Commission of Control, the question of the dissolution of the “special forces” in conformity with Article 4 of the agreement, then the question of the determination of the location of the troops but not the area of control. Then the Vientiane side demand that foreign troops be withdrawn by May 22, 1973.

Kissinger: Well, we have certainly missed that one.

Le Duc Tho: According to the agreement the troop withdrawal must be after the political solution only. Another question, they demand that the International Commission will operate with authorities beyond the agreement signed in 1973. Yes, in the agreement actually there is no mention about the Vice Premier, but when Souvanna Phouma talked with Mr. Vongvichit, Mr. Phouma told Mr. Vongvichit, as an understanding that there would be a Vice Premier. So the Pathet Lao insist on a Vice Premier.

Kissinger: That is not Souvanna’s recollection. [Laughter] And therefore, he insists that there should not be a Vice Premier. Tell me, Mr. Special Adviser, can you remember all these Laotian names? [Laughter]

Le Duc Tho: I don’t remember them all! So after our meetings here I will send a message back, so that our friends will push forward for the settlement of the Laos question.

Kissinger: And then can we say 15 days?

Le Duc Tho: I think that we should put one month, to be in conformity with the agreement.

Kissinger: That was February 23.

Le Duc Tho: Then we will make a big effort. It would be better in this way. If I accept your proposal of 15 or 20 days and don’t make a big effort, no solution is possible.

Kissinger: The difficulty is that you now have over two weeks and, you certainly have communications with the Pathet Lao, so from now you really are asking for 45 days. So when we say 15 days from June 8, that is over 30 days from today.

Le Duc Tho: This is a way of speaking of yours, Mr. Adviser, but we should take some as a landmark. And every agreement we have here takes the date of the signing of the communiqué as the landmark.

Kissinger: I am perfectly content . . .

Le Duc Tho: It will take some time to carry out these things.

Kissinger: I don’t object to using June 8 as a time mark, but we can take 15 or 20 days from that date.

Le Duc Tho: So I would like to stick to the agreement that 30 days after the signing, the governments . . .

Kissinger: That wasn't an agreement, that is a proposal. The obligation was 30 days from February 23. Without our understanding they would be under an obligation to come to an agreement next week.

Every time we have a difficult issue for you you ask for an understanding; every time there is a difficult issue for us you won't give us the understanding.

Le Duc Tho: No, we don't want a delay on this question, but we have to agree with our allies. We have to stick to the Laos Agreement.

Kissinger: There is no Laos agreement that is relevant to this. The Laos agreement was February 23rd, not 30 days from the time you and I sign an agreement on some other questions. They are in violation of the Agreement now.

Le Duc Tho: It is not the Pathet Lao which violates the Agreement, it is the prolongation of the negotiations between the two parties not coming to a settlement. So to show my understanding of your problems, I will count from June 1—30 days counting from June the 1st. It is 23 days. So we have much time in advance already.

Kissinger: By June 30th?

Le Duc Tho: Counting from June 1st.

Kissinger: Now you are going to say they will settle on June 31st. [Laughter]

Le Duc Tho: So July the 1st.

Kissinger: If you start on June 1, they have to sign by June 30th.

Le Duc Tho: July the 1st, counting from June the 1st. Then it should be settled by July the 1st.

Kissinger: You know we can play games here, but you do understand the interrelationship of various matters here. So why don't we say "will be achieved by July 1st at the latest?"

Le Duc Tho: I agree.

Kissinger: All right, "by July 1st at the latest." You don't want to say 30 days after June 1st? No one will know why you say June 1st, including yourself.

Le Duc Tho: I agree.

Dr. Kissinger: A few more concessions like this by you and we will be negotiating in Bangkok.

Le Duc Tho: Maybe some time will come when we have to negotiate in Bangkok.

Kissinger: The Special Adviser once told me he was going to head north to his ancestral home. Now, "the U.S. and the DRV will exert their best efforts in that direction." We added that.

Le Duc Tho: I agree.

Kissinger: That is a separate paragraph, unnumbered, as part of paragraph (a).

Le Duc Tho: I agree. The lawyer beside you [Aldrich] makes difficulties.

Kissinger: Paragraph (b) we accept, and we will just make sure it is consistent with the text of the agreement.

Le Duc Tho: It fits the agreement.

Kissinger: Those are the only modifications we will make, if it is consistent with the text of the agreement.

Paragraph (c), we also have to check to make it consistent with the agreement.

Now I want to record my understanding, Mr. Special Adviser, of what I think Minister Thach and Ambassador Sullivan have agreed to. I don't want Minister Thach to be disavowed again. My understanding . . . [An aide brings in Tho's medicine.] Not before we discuss Cambodia!

Le Duc Tho: I have to drink before we discuss.

Kissinger: Our understanding is that we can apply Article 8(b). We can claim that it applies to all of Indochina, because there is no geographic limit stated. You will not accept this publicly but you will not contradict this publicly either. And you will be helpful to us in this respect.

Le Duc Tho: We will do this say to help you in Laos.

Kissinger: Yes. Is this a correct understanding of what Ambassador Sullivan and Minister Thach have discussed?

Le Duc Tho: But in Laos. Minister Thach has told Ambassador Sullivan that we will help you to coordinate with our ally in Laos in getting information about the missing in action in Laos. As to those in Cambodia, we will wait until after the solution and we will deal with this question.

Kissinger: You don't understand the point I am making.

Le Duc Tho: Have I well understood you, that when you make a statement about this question for the whole of Indochina, we will not state it?

Kissinger: You will not contradict it.

Le Duc Tho: We will say nothing about it.

Kissinger: But without saying so, you will help us. We have an understanding on your honor that you will help us.

Le Duc Tho: We have to cooperate with our Lao friends. As to the statement you will make for the purpose of public opinion, we will say nothing.

Kissinger: Yes, but also for the purpose of reality. If you will help us. It will be helpful if you give us your assistance without making a

public statement about it. You have often told me you could do things that are not written down.

Le Duc Tho: I agree. But I have to add that we have to cooperate with our Lao friends because it is their sovereignty.

Kissinger: I understand. Now we would still like a sentence from you which I don't understand why you can't give us—which says that "the DRV has been informed that there are no U.S. prisoners being held in Laos—that all the prisoners held in Laos have been released." It would be very important for us.

Le Duc Tho: I have acknowledged to you that all of them have been released.

Kissinger: Then why can't you write it down?

Le Duc Tho: In the March 24 message to you. We will base ourselves on this message—March 26. Have we finished?

Kissinger: We have Cambodia.

Le Duc Tho: Have we finished all the problems?

Kissinger: Now Cambodia. I told you.

Le Duc Tho: There is only one question left, the Cambodian problem.

Kissinger: Yes. You reaffirm your message of March 26?

Thach: March 28.

Le Duc Tho: Yes.

Kissinger: 1973. All right.

Le Duc Tho: Now we have finished everything.

Kissinger: We have not finished Cambodia.

Le Duc Tho: We will have to remain here until midnight.

Kissinger: In that case I must tell you that we cannot proceed without some understanding on Cambodia. We can defer it for two weeks; we can both think; Ambassador Sullivan and Minister Thach can talk; and we can both think on what to do. We will try to be constructive. You will try to be constructive. And we will leave it with good will for the meeting of the two gentlemen.

Le Duc Tho: I agree with you. We will then discuss.

Kissinger: But we must both make a very serious effort.

Le Duc Tho: We will make a serious effort, but not as you have proposed.

Kissinger: No, you may have a more ingenious idea. We are open-minded.

Le Duc Tho: Yes, but not such a kind of flexibility as demand immediate ceasefire and immediate troop withdrawal.

Kissinger: No, but we can talk in terms of some time limits the way we have on other problems. And you know the problem perhaps

better than we; perhaps you can think of a solution. But we must have an understanding.

Le Duc Tho: I have expressed all my views in this connection. But I agree to let Minister Thach and Ambassador Sullivan further discuss this subject.

Kissinger: With the understanding that you and I come to an understanding on June 6th.

Le Duc Tho: Yes, we will further discuss it. But I can't make you any promise now, because the two conditions you gave me I am sure they are impossible. But I agree that Ambassador Sullivan and Minister Thach will discuss further.

Kissinger: Now I am leaving tonight, Mr. Adviser, and unless you repudiate Mr. Thach's attacks against me again in the press I would like to read to you what I propose to say. I will read you what I propose to say. I will change it if you suggest. I will say no more. Nor will I say any more in America, nor will any other person say any more in America. We would like the same promise from you.

Le Duc Tho: I agree, please read.

Kissinger: [reads draft statement at Tab H]: "I have today concluded a week's meeting with Mr. Le Duc Tho. We met for some 30 hours and there were another 15 hours of technical meetings between Ambassador Sullivan and Minister Thach. The purpose of the meetings was to bring about a strict implementation of the Paris Agreement. They were conducted in a constructive and positive manner. Significant progress was made. Ambassador Sullivan is now in Saigon to discuss the results with the Government of South Vietnam. I am returning to Washington to report to the President. Mr. Le Duc Tho and I will meet again on June 6. We have every intention of concluding our discussions during the next series of meetings."

Le Duc Tho: I agree with you.

Kissinger: You agree?

Le Duc Tho: Yes. And if I am asked then I will confirm this.

Kissinger: Should I arrange for you to be asked? I will arrange for you to be asked. I will give you a text. [He hands over a copy.] We just added a little bit.

Le Duc Tho: And I will answer them that the statement made by Dr. Kissinger is correct. Roughly in the substance.

Kissinger: Can I say when I make this statement that I have the impression that the North Vietnamese side is prepared to confirm the substance of these remarks?

Le Duc Tho: I agree.

Kissinger: Good. I gave Mr. Thach another five hours with Ambassador Sullivan.

Le Duc Tho: Yes. I will confirm the statement. Please tell the press that you think the North Vietnamese may confirm, and please get some journalists to ask me this question.

Kissinger: I think the easiest way when I make this statement is to say I believe the North Vietnamese are prepared to confirm the substance of these remarks. And then you can say that you agree that this was a correct statement. [Tho nods yes.] And then neither side give any explanation or background, or anything else about this or any other part of it.

Le Duc Tho: Yes. When you told me to do something I always abide by it.

Kissinger: This is true, and I owe it to the Special Adviser to point out this leak by the *Herald Tribune* of which I have complained, I have now found out from whom it came. It was a Vietnamese neutralist who was in contact with your allies, not with you or the Vietnamese delegation. [Minister Thach nods his head no during Dr. Kissinger's remarks.]

No, I know the name. And after my complaint to the Special Adviser his information became much less reliable. But it did not come from the North Vietnamese side.

Le Duc Tho: What I wanted to say is what I told you. I respect my words. And I think that you should do the same, because otherwise if you give explanations to them, I will give explanations. If you leak things, then we will leak things and that could be endless developments.

Kissinger: We will not leak either. I have to do one thing. I have to tell you honestly. I have to tell Senator Fulbright that we are close to an agreement so that he will confirm Ambassador Martin so that we can send him from here directly to Saigon on June 8. Because I think it is important.

Le Duc Tho: Yes, but please tell him clearly that agreement is on Vietnam only.

Kissinger: Yes.

Le Duc Tho: Now before concluding, please let me speak a few words.

We have been negotiating with each other for a long time now. I can say that it has been fairly arduous for us two to come to reach the Agreement on Vietnam. But there has been serious developments in that situation over the past three months, and therefore you and I have to meet again here. Now we have come to a further step of agreement. Though the agreement this time is not so important as the Paris Agreement, but it has its significance and importance. And this agreement this time is the result of our common efforts of us both. Our purpose

is to have the Agreement strictly implemented, and on this basis the strict implementation of the Agreement, we lay foundations for the normalizations of relations, long-term normalizations of relations. This is our objective and it is also the objective you often affirmed to me. Now so this time we have come once again to agreement. We have fixed up a schedule for signing. I have no other desire than to see the schedule come true, and we abide by this schedule.

Now you will make a statement to the press and I will confirm your statement. I think we cannot do anything contrary and deceive public opinion. This is your responsibility and it is my responsibility. So it is my wish that we will bring about a good solution. And on this basis we will bind up our mutual trust, not only between our two peoples but between both of us. And no doubt the relations will last for a long time between our two peoples, but not only our two peoples but between you and I personally.

Therefore, I expect that we will meet again and we will sign the joint communiqué. And we get good results in our work. I have finished.

Kissinger: Mr. Special Adviser, we have been meeting together for four years, under sometimes very difficult circumstances, but always with the objective to bring peace to Indochina and peace to our two peoples. We did some historic work last year and finally brought it to a conclusion over many obstacles. We could do so because we took into account each other's necessities. Now again we have had to meet after some months, in order to preserve the Agreement that we have made and to bring about its strict implementation. And we have met this time, even more importantly, to lay a very firm basis for the normalization of the relationship between our two countries. If we can succeed in doing this, and to move from here to normalization and from normalization to friendship, then this meeting here could turn out in retrospect to be as historic as our meetings last October and January. This is our firm resolve, and this is why you will not experience any surprises between now and the time we meet next. But in the interval we both should look at each other's necessities on the outstanding issue. [Tho smiles.] And I will meet you in the spirit of improving our relationship with the firm intention of carrying through what we have agreed on, and not only to sign it but to implement it scrupulously. So that we can soon fulfill my desire of welcoming the Special Adviser to the United States, together with our other colleagues.

Now I only want to say we look forward to seeing you on June 6th. Shall we say 11 o'clock at Gif? But if you want to meet here, that is fine too.

Le Duc Tho: At Gif.

Kissinger: All right. The food is better at Gif!

[The meeting then ended.]

63. Memorandum of Conversation¹

Paris, June 6, 1973, 11 a.m.–4:30 p.m.

PARTICIPANTS

Le Duc Tho, Representative of the Government of the DRV
Nguyen Co Thach, Vice Minister for Foreign Affairs
Phan Hien, Ministry of Foreign Affairs
Colonel Hoang Hoa
Dang Nghiem Bai, Ministry of Foreign Affairs
Pham Ngac
Tran Quang Co
Nguyen Dinh Phuong, Interpreter
Notetaker

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
Mr. Ronald L. Ziegler, Press Secretary to the President
Ambassador William H. Sullivan, Deputy Assistant Secretary of State for East
Asian and Pacific Affairs, Ambassador-designate to the Philippines
Ambassador Graham A. Martin, Ambassador-designate to the Republic of Viet-
Nam
Mr. George H. Aldrich, Deputy Legal Adviser, Department of State
Mr. Lawrence S. Eagleburger, Deputy to the Assistant to the President for
National Security Affairs
Mr. William L. Stearman, NSC Staff
Mr. Peter W. Rodman, NSC Staff
Mr. Richard S. Thompson, Department of State, Interpreter
Miss Irene G. Derus, NSC, Secretary

Dr. Kissinger: Today is Mr. Aldrich's wedding anniversary. Let me introduce the new people here, Mr. Special Adviser: Mr. Eagleburger, an old associate of mine who is replacing Winston Lord, and Mr. Ziegler who is here to see what I have been doing for three years.

Le Duc Tho: I have known Mr. Ziegler by name since a long time, but this is the first time I meet him.

Dr. Kissinger: Now you have hurt Mr. Eagleburger's feelings. In Wisconsin Mr. Eagleburger is a very well-known man.

You're the host, Mr. Special Adviser. [Laughter.]

Le Duc Tho: Everytime, whenever I meet Mr. Adviser I have something to complain, always something. But today I am willing to leave aside the complaint I wanted to make. [Laughter]

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 124, Country Files, Far East, Vietnam Negotiations, Camp David Memcons, Joint Communique May–June 1973 [3 of 3]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at 108 Avenue du Général Leclerc in Gif-sur-Yvette. All brackets are in the original.

Now Ambassador Sullivan and Minister Thach, the two saboteurs, have discussed, but they, both of them, have been constructive. The Joint Communiqué is completed now and agreed upon. The schedule has been agreed upon as you said the other day. Now the outstanding question is the four-party meeting tomorrow. So I feel the four-party meeting is acceptable. But there will be no initialing at that meeting. But I wonder why that meeting should last two hours as suggested by Ambassador Sullivan. Because according to Ambassador Sullivan it will be a pro forma meeting. And I don't know what Mr. Adviser will do in this two-hour meeting; but for myself, I would think that I will have to recite poems then. [Laughter]

Dr. Kissinger: No, I thought we might read the January 27 Agreement to the two South Vietnamese parties; it might help Mr. Vien in his work.

The Special Adviser forgot one minor problem that we thought we might discuss also today. You know it is located at the end of the Ho Chi Minh Trail.

Le Duc Tho: Now the few understandings have been discussed by Ambassador Sullivan and Minister Thach and they have agreed to them, the understanding on Laos and the understanding on the Vietnamese civilian captured personnel. Now you still raise the understanding of the problem situated at the end of the Ho Chi Minh Trail. I don't know what problem it is you refer to.

Dr. Kissinger: Before we get to the problem of the Special Adviser's students and their lack of responsiveness to his instructions, I would like to raise a question about the understanding on Laos.

I find the Special Adviser so well rested that it will take at least ten hours to make him reasonably tractable.

Le Duc Tho: So you want to exhaust me before launching attacks against me? [Laughter]

Dr. Kissinger: Just a little bit, yes. There is some dispute whether the Agreement on Laos has been correctly quoted in the understanding. In paragraph (c), it now says "After the return of all persons who were captured and detained because of their collaboration with the other side during wartime, each Laos party" and so on and so forth. Our people claim that the correct version is that "After the return of all persons who were captured—including those imprisoned for cooperating with the other side during the war . . ." In other words our people claim that the correct text is not confined just to those who collaborated but includes all those captured. [Thach hands paper to Tho.]

Is that the version before it was translated into Lao? [Laughter]

Le Duc Tho: It is the translation from the Laotian to the Vietnamese. This is Article 5. Mr. Adviser, I think our wording conforms to the

letter of the Agreement on Laos. Article 5 of the Agreement on Laos reads as follows: “The two Laos parties will return to each other all the persons irrespective of their nationality captured and detained because of their collaboration with the other party during wartime.”

Dr. Kissinger: Well, the text that I have is slightly different and this is why I am proposing the change. The text that I have reads “Both Lao sides will return all persons regardless of nationality that were captured, and those imprisoned for cooperating with the other side, during the war.” [They confer.]

Le Duc Tho: I agree to correct as you have suggested.

Dr. Kissinger: All right. So shall we make it the way it is, “all persons who were captured.” We will just use the exact text that I have here in Article 5.

Minister Thach: Yes, yes.

Le Duc Tho: The English version will be just as you said.

Dr. Kissinger: You have it now.

Mr. Phuon: “After the return of all persons regardless of nationality that have been captured and those imprisoned for cooperating with the other side during the war . . .”

Dr. Kissinger: Captured, comma.

Mr. Phuon: “Imprisoned for cooperating with the other side during the war.”

Dr. Kissinger: Can I read to you what we propose? It is taken exactly from the text.

Mr. Stearman: It isn’t exactly the text. It reflects the text, but it is consistent with the text.

Dr. Kissinger: Would you mind having Mr. Stearman sit on your side. [Laughter] Just move together a little more. May I read what we propose anyway? Will the American side keep quiet? [He reads] “After the return of all persons who were captured—including those imprisoned for cooperating with the other side during the war—each Lao party has the obligation of obtaining information.”

Le Duc Tho: I propose to stick to the wording of the Agreement.

Dr. Kissinger: Can I see it?

Le Duc Tho: So Ambassador Sullivan and Minister Thach have not yet carefully drafted the understanding and therefore we have to review it again. They should have cleared up all these thorny questions before we met.

Dr. Kissinger: So that we can meet in our usual spirit of amity and reconciliation. If you would like, while I study this, to hand us your document on Cambodia, so our translators can check it out for conformity with ours. [Laughter]

Le Duc Tho: I have spoken at length about Cambodia and I have given you our draft understanding.

Dr. Kissinger: But you have not yet been concrete, Mr. Special Adviser. Let us finish Laos first.

Le Duc Tho: I am concrete enough.

Dr. Kissinger: One country at a time. So we say "After . . . How would you propose that we express it?"

Le Duc Tho: "After the return of all persons irrespective of their nationality that were captured and imprisoned because of their collaboration with the other side in wartime, each Lao party has the obligation of getting and supplying information to the other party about the missing in action in Laos."

Dr. Kissinger: My recommendation is that we add—this is from the text of the Agreement we have—"After the return of all persons, regardless of nationality, and those captured and imprisoned . . ." In other words, it makes it "After the return of all persons, regardless of nationality, that were captured, and those imprisoned for cooperating with the other side, each Lao party has the obligation . . ." So it covers the two categories.

Le Duc Tho: I agree.

Dr. Kissinger: Have you agreed?

Le Duc Tho: I agree.

Dr. Kissinger: Mr. Ziegler won't believe all the stories I have told him about you.

Le Duc Tho: I don't know what you have told Mr. Ziegler.

Dr. Kissinger: He will be like my father. Everytime we disagree he sees the Special Adviser on television and thinks it must be my fault.

Now then, before we go to some unresolved substantive questions, may I discuss the schedule briefly? Tomorrow we meet at Avenue Kleber, in the small room, with a round table. The reason I thought of two hours—but I don't insist on it—is to give the appearance that something substantive was accomplished. What is the Special Adviser's view? Can we try to restrain speechmaking? And meet in an atmosphere of concord and reconciliation?

Le Duc Tho: I agree with you that the meeting tomorrow will start at 11 o'clock, and I suggest that it will last one hour only, and at 12 o'clock we will close the meeting and give the announcement. But I would like to ask you what we should speak about at the meeting, or shall we let the people read the documents and you and I will be saved of this task?

Dr. Kissinger: Saved of the reading? I think we should distribute the papers formally to everybody, and perhaps make a brief comment.

Is it possible for the South Vietnamese parties to make brief comments? I think you and I should speak in a conciliatory fashion. And it is my first occasion to meet your South Vietnamese allies and you might tell them that they should make a good impression on me. [Laughter]

Le Duc Tho: Since they have come to such a small room and around a round table, and that has been agreed to by both of us, I think they should speak about the reconciliation.

Dr. Kissinger: All right, and in a non-aggressive way. They will struggle for peace without casualties. All right? And then you and I have a certain responsibility to keep matters from getting out of hand.

Le Duc Tho: Because nothing will be discussed at that meeting.

Dr. Kissinger: [Laughs] You're an optimist! We will do our best. But each party should be treated respectfully. We are having this meeting to be in conformity with the dignity of all the people who are signing this agreement, and it should not be an occasion to humiliate anybody.

Le Duc Tho: I agree.

Dr. Kissinger: We will behave accordingly to your friends and we would appreciate it if the same were done towards ours.

Le Duc Tho: [Laughs] Minister Nguyen Van Hieu is a gentleman and he will use soft language.

Dr. Kissinger: We will think with nostalgia of Madame Binh, who now we . . .

Le Duc Tho: You have spoken about the short comment by the parties. What short comment do you refer to?

Dr. Kissinger: I think you and I could perhaps say something for three minutes pointing out the work we have done and welcoming the other two parties, and hopefully the other parties will thank us for the work we have done! And everybody could indicate the strict implementation of the Agreement. Something in that sense.

Le Duc Tho: So in brief, the four parties will meet tomorrow in a small room at the round table and each party will speak in a spirit of reconciliation.

Dr. Kissinger: We will do our utmost to bring this about.

Le Duc Tho: [Laughs] But if you do your utmost, then something will happen. So you should not use the word "do your utmost," you should say you *will* do.

Dr. Kissinger: I will certainly speak in a spirit of reconciliation and we will really use our best efforts in that direction. In what order should we speak? Otherwise we can easily spend an hour debating the order in which we should speak.

Le Duc Tho: [Laughs] The elder people should speak first.

Dr. Kissinger: The which people?

Le Duc Tho: The older people. [Laughter]

Dr. Kissinger: All right. Would you like to speak first?

Le Duc Tho: Yes, I think that is no problem. But you can speak first if you like.

Dr. Kissinger: Well, I have spoken first at every other meeting. I think the Special Adviser might not know how to start. [Tho laughs] It makes no difference. I don't care. You can speak first or I can speak first, and then the two South Vietnamese parties.

Le Duc Tho: So I think that whichever of us speaks first, it is no problem, but I can speak first. But I would like to say that then we will make a short speech, but I should say that the document is as agreed upon and they will talk of other things and not discuss the document.

Dr. Kissinger: Yes.

Le Duc Tho: They speak about the strict implementation and to encourage each other to strictly observe the document.

Dr. Kissinger: But there can be no claims of victory and no attacks on any of the parties. At least as far as you and I are concerned.

Le Duc Tho: You have known me. I have never used the language that appears to be aggressive [Dr. Kissinger laughs], but I think that the meeting should last only one hour.

Dr. Kissinger: That is right. Now then, shall we issue an announcement right after the meeting?

Le Duc Tho: Yes, I agree.

Dr. Kissinger: Should we release that at 1 o'clock at each of our offices? Otherwise if we do it at Avenue Kleber there will be a debate as to who will speak. I propose the following text for the announcement. "The parties to the Paris Agreement on Ending the War and Restoring the Peace in Vietnam have reviewed the implementation of the Agreement and have agreed on a number of points, which have been incorporated in a communiqué. The text of this communiqué will be made public at 1600 hours today."

Le Duc Tho: Just this sentence only.

Dr. Kissinger: Which?

Le Duc Tho: The announcement will include only this sentence?

Dr. Kissinger: That is all. That is at one o'clock and then we release the text—two sentences.

Le Duc Tho: So the meeting will begin at 11 o'clock. At 12 o'clock it will be closed. At 1300 hours there will be an announcement.

Dr. Kissinger: Which each of the parties will make from his own office. [Tho nods yes.] There will be no press briefing or anything. There will just be this announcement. Then at 4 o'clock we will release the texts. We can make it 4:30 or 5:00, I don't care, whichever you

prefer. Then there should be a press conference. I will plan to have a press conference. I don't want to put any ideas into the Special Adviser's head. If he feels he can do without a press conference we would not insist on it.

Le Duc Tho: So at 1300 hours, the office of each side will make a short announcement as you have said.

Dr. Kissinger: Identical.

Le Duc Tho: I agree. Please, Mr. Adviser, give us the text, but in general I agree to that, but give us the text and Ambassador Sullivan and Minister Thach will agree on the wording.

Dr. Kissinger: Well, they have taken over.

Le Duc Tho: At the break—not now. So at 1600 hours there will be publication of the document, the full text. As to the press conference, it is up to each side to hold it.

Dr. Kissinger: Right, unless we want to hold it in the same room. I agree, it is up to each side.

Now we plan to do our briefing in a constructive spirit. I have noticed that some of the Special Adviser's more enthusiastic colleagues tend to put out reports about how the U.S. has been forced to do this or that. Now if this were to be said, it would first, force us to reply, and secondly, it would seriously complicate the implementation of what we have agreed upon.

Le Duc Tho: So I think that we should make a general statement saying that it is up to each side to hold the press conference and up to each side to choose the time of the press conference, and each side will speak constructively at the press conference. But you should not put conditions to me on that question of press conference. But as far as we are concerned, we will say nothing not constructive.

Dr. Kissinger: Now we need a little discussion on our definition of constructive. I will tell you what our general approach will be.

Our general approach will be that peace throughout Indochina is one of the principal objectives of our government. This requires the strict implementation of the Paris Agreement. The Special Adviser and I went point by point through the Agreement to see how the implementation could be improved and our results are embodied in the document which by then the press will have seen. And then I will explain the document, which is largely self-explanatory anyway.

See, if the Minister and the Ambassador had spent one more day together they would just have had a preamble saying "the two parties reaffirm the following Agreement." Then we could just publish the text of the January Agreement. Then I will say in conclusion that obviously the implementation of the Agreement left something to be desired last time, but we are proceeding from the assumption . . .

Le Duc Tho: But it is the implementation in the past which leaves many points to be desired.

Dr. Kissinger: Many points to be desired. But obviously we would not have signed this communiqué unless all sides were willing to make a serious effort to bring about a substantial improvement in the situation. From our side this will create the conditions for a rapid normalization of relations between the U.S. and the Democratic Republic of Vietnam, and this normalization is one of the prime objectives of our foreign policy. So we are looking to this, not just as a means of ending the war, but of beginning to build a lasting peace and a move towards the ultimate friendship between North Vietnam and the United States.

It is in this spirit that I will speak. This is just for your information, Mr. Special Adviser. I may even bring myself to make a friendly remark about my old adversary and colleague, to lay the basis for his tour through the United States. All right. So this is tomorrow. Is that generally agreeable, Mr. Special Adviser?

Le Duc Tho: I agree.

Dr. Kissinger: We will probably hold the press conference [aside to Mr. Ziegler] when, Ron? 4:00 or 4:30?

Mr. Ziegler: 4:00 or 4:30; whenever you are ready.

Dr. Kissinger: 4 o'clock, probably right after the release.

Le Duc Tho: So please hold your press conference first, and I will follow you. [Laughter]

Dr. Kissinger: I may want another one on Friday!

Le Duc Tho: You don't leave much time for me. You will hold two press conferences.

Dr. Kissinger: It depends on what you say. [Laughter]

Le Duc Tho: Well, then I will have to hold another press conference, and if you have a third one, I will have a third one.

Dr. Kissinger: So on Friday could we have the four-parties signing at 12 o'clock rather than 11 o'clock? The reason is I would like to see the French Foreign Minister Friday morning.

Le Duc Tho: I agree.

Dr. Kissinger: And then the two party at 4 o'clock—1600 or 1530, whichever you prefer.

Le Duc Tho: 1530.

Dr. Kissinger: All right. You have a plane to catch that evening?

Le Duc Tho: Not yet; I will not leave yet.

Dr. Kissinger: I don't know whether I can face another visit by a North Vietnamese delegation in Peking. It takes me six months to undo

the damage. [Laughter] Would you consider returning via New Delhi? [Laughter] This takes care, then, of our procedures.

Le Duc Tho: Mr. Adviser, I should reiterate that the four parties should meet tomorrow just with the content as I have suggested, but there will be no initialing tomorrow.

Dr. Kissinger: I understand that. But you have not survived for 2,000 years under foreign pressure by being easy to deal with. While I can promise you no initialing I cannot promise you everything will go as planned. But we will make every effort to do it. I agree, there will be no new debate about the content, and I think the Special Adviser and I should assume the responsibility to keep passions—to moderate the passions, because our two South Vietnamese friends will be so moved by the prospect of seeing each other that they may get carried away into eloquence.

Le Duc Tho: The two South Vietnamese parties have been meeting each other for the last couple of months.

Dr. Kissinger: But they rarely have an audience.

Le Duc Tho: But all of them certainly will remain deaf.

Dr. Kissinger: They have taken special safeguards by not distributing copies of the Agreement to either delegation. All right. So that leaves only one topic for us to discuss which is, however, very vital. And I propose that before we turn to it, we take a little break. Do you agree?

Le Duc Tho: I agree. So what problems are left now?

Dr. Kissinger: According to me, the problem of Cambodia.

Le Duc Tho: Anything else, Mr. Adviser?

Dr. Kissinger: No. I see the Special Adviser has a long speech prepared.

Le Duc Tho: I am always prepared to give a speech. Will you discuss the question of the ICCS, the replacement?

Dr. Kissinger: Japan? [Laughter]

Le Duc Tho: I refused it when you proposed Japan.

Dr. Kissinger: Yes, we can have a discussion of that after the break.

Le Duc Tho: Shall we discuss also the normalization of our relationship?

Dr. Kissinger: I think that would be good. I think that would be very important. I think that is a very good topic.

[The meeting broke at Noon. A private conversation began between Le Duc Tho and Dr. Kissinger at 12:30 p.m. Mr. Thompson took notes. The first few minutes were not recorded, but concerned Soviet policy. The private conversation proceeded along the following lines:]

Dr. Kissinger: In any case we must settle matters between us. I did not ask the Soviets to help. They asked us our position on Cambodia

only because they wanted to know before Brezhnev's visit to the U.S. I know the DRV settles its own problems.

Le Duc Tho: Our problem is the same for Laos and Cambodia. They must settle their matters themselves. Concerning Laos, on some points, mainly ceasefire and prisoners, we can have a discussion with our Laotian friends. But on other matters we respect their sovereignty and they may agree with our views or not if they wish.

Dr. Kissinger: I understand, but I think both of us have possibilities to use our influence.

Le Duc Tho: The Cambodian problem is different. I can show you Sihanouk's message to me. It is very harsh. It is a matter not only of Sihanouk's forces, but of the resistance forces.

Dr. Kissinger: But Sihanouk had no reason to send you a harsh message.

Le Duc Tho: It is not only Sihanouk, but also the resistance forces. If you like I will show you the message. [Tho hands a message from Sihanouk to Dr. Kissinger, who reads it.]

Dr. Kissinger: It is not often a Prince calls a Politburo member "Dear Brother." Can I have my assistant make some notes?

Le Duc Tho: Yes, but please keep this matter to yourself.

Dr. Kissinger: Of course.

[The letter was along the following lines: "As you know, the U.S. imperialism is carrying on against the Cambodian people, FUNK and GRUNK, a frenzied psychological streak aimed at making the world believe that the U.S. and DRV are going to reach agreement to stop the war in Cambodia in the near future. I pray Your Excellency to tell the press that the DRV has no responsibility with regard to GRUNK and FUNK and respects Cambodian sovereignty."]

Le Duc Tho: If the Cambodian problem were similar to the Laotian problem I would have settled it with you before signing the Paris Agreement.

Dr. Kissinger: Nevertheless the people in Cambodia have leaders inside Cambodia with whom you have great influence.

Le Duc Tho: Not much. They are independent. I know that very well. Moreover, I must respect their sovereignty.

Dr. Kissinger: I have seen you when you felt the problem had to be solved and I am sure there is some ingenuity there.

Le Duc Tho: But you misunderstood. Matters I am able to solve, I solve quickly with you. But questions I do not have the capability of solving I cannot solve with you. Throughout our negotiations, you have seen that we solve questions rapidly when that is possible.

Dr. Kissinger: Yes, for four years. At a press conference I once said that the Special Adviser can break your heart when he does not want to move but he is very ingenious when he wants to move.

Le Duc Tho: I remember that press conference. You are correct.

Dr. Kissinger: For four years you told me this, but I saw no proof of it until last October.

Le Duc Tho: It began as early as July and August.

Dr. Kissinger: That is right. I was convinced you were ready to settle, but my colleagues weren't. They thought when I went to the October 8 meeting that you would break off, but I thought you wanted to settle. You have moved systematically. It took nerves to wait until the last minute. But we also needed good nerves to wait until the last minute.

Le Duc Tho: You also are tenacious.

Dr. Kissinger: What would you have done October 8 if I had said I needed two weeks to study your proposal?

Le Duc Tho: I would have accepted it. It would have been normal.

Dr. Kissinger: Were you surprised that I went ahead to negotiate immediately?

Le Duc Tho: No, because it was the right moment for negotiation and a settlement. A delay would have been useless. A negotiator should realize when the opportune moment arrives.

Dr. Kissinger: I agree. Frankly, concerning Cambodia, we have enough experience to know that an agreement is not decisive if people are not ready to carry it out. But for us to have this discussion without any progress on Cambodia and implementation of Article 20 is nearly impossible, and it would really be impossible for us, whatever we agree to, to move toward implementation of Article 21 with Congressional support. I am not setting conditions; I am stating reality.

Le Duc Tho: As I have said, your approach to the Cambodian questions as reflected in the document you gave us is impossible. You would create difficulties for us with regard to normalization of relations and economic relations for something which is beyond our capabilities. Ambassador Sullivan told Mr. Thach yesterday that you could not sign the joint communiqué unless we settled the Cambodian problem. But even in such a situation, even if the joint communiqué can't be initialed, we nevertheless cannot settle the Cambodian problem as you suggest. I don't want to repeat here the causes of the coup in Cambodia and the outbreak of war there. The Cambodian people are rising up and struggling for freedom, exercising their sovereignty, and we will respect their independence. We cannot settle this problem on their behalf.

Dr. Kissinger: We are not asking you to settle the problem in their place. We are just asking for the beginning of negotiations.

Le Duc Tho: But if they refuse to negotiate, how can we oblige them to begin? The message from Sihanouk is something I have never received in the past. How can I do anything in these conditions? Suppose you and I agree, how can I carry it out? But even to say this—but I only say this hypothetically because we have no right to solve the Cambodian problem in their place. To settle the Cambodian problem you should have discussions with Sihanouk or with other resistance leaders, and they will agree to do this. Otherwise, there is no solution. Sihanouk has a legal and legitimate position, different from the situation in Laos.

Dr. Kissinger: But the last time I told you that the health of Lon Nol is not good and he may have to leave the country for medical treatment, and if we were able to reach a proper understanding with you we would facilitate this departure. And under those conditions we would be prepared to authorize contacts between our people and Sihanouk, perhaps in Peking. And if it is an attempt to push us against the wall, we will not accept this. We have had experience of this in the past four years. We are willing to take account of realities, but any solution must be consistent with our dignity.

Le Duc Tho: I understand. Concerning the Laotian and Cambodian questions, the logical process would be for the parties to agree, then there would be a ceasefire, and then a time period would be fixed for troop withdrawal. But you put the matter backwards; you put the ceasefire first. But we have no right to interfere because the resistance forces have their sovereignty. When there is peace in Cambodia, the U.S. and the DRV will carry out Article 20. I know you have difficulties. We have no intention of driving you to the wall but frankly you have not understood our difficulties.

Dr. Kissinger: And you have not understood ours. I understand you have difficulties.

Le Duc Tho: I understand yours. You have seen with regard to the Vietnam question that we have settled many questions discreetly and appropriately with no intention of driving you into a corner, and you must have no intention of driving us into a corner.

Dr. Kissinger: I agree, and so I wonder if you have a counter-proposal if you don't like our proposal.

Le Duc Tho: Your two principal points are immediate ceasefire and a time period for troop withdrawal.

Dr. Kissinger: And not negotiations.

Le Duc Tho: But only the two points I mentioned are in the document you gave us. Aside from those two points everything is possible. But those two points infringe Cambodian sovereignty.

Dr. Kissinger: You mean everything is possible except what I have proposed?

Le Duc Tho: In the paper you propose that the two Cambodian parties determine a ceasefire, and that the U.S. and the DRV stop their activities.

Dr. Kissinger: Do you agree to that?

Le Duc Tho: Yes, but everything would be stopped at the same time we want you to stop your activities.

Dr. Kissinger: You would agree to that?

Le Duc Tho: Yes.

Dr. Kissinger: That would be a sign of our good will. Can you accept that without a Politburo meeting?

Le Duc Tho: If you stop the bombing that's a good thing.

Dr. Kissinger: Then what would happen?

Le Duc Tho: I don't know. That is a question which relates to Cambodian sovereignty. But I don't think you will unilaterally stop your activities. Aside from what I have said, we have no problems with the other points in your paper.

Dr. Kissinger: What points are those?

Le Duc Tho: It is a question of respect for the principles of the 1954 Geneva Agreement and the fundamental rights of the Cambodian people.

Dr. Kissinger: These are already in Article 20 of the Agreement.

Le Duc Tho: I agree with your point concerning respect for the sovereignty of Cambodia. I agree that the two sides must implement Article 20 of the Agreement and I agree with the last sentence in your document, although it would need to be rewritten. So that is progress.

Dr. Kissinger: If you keep making concessions like that, they won't let you return to Hanoi.

Le Duc Tho: If that happens what will you do?

Dr. Kissinger: I will get you a job on the Harvard faculty teaching revolutionary theory, and how to wear down Americans. How would you rewrite the last sentence? Our document reads: "The United States of America and the DRV will exert their best efforts to promote the early conclusion of a negotiated political settlement in Cambodia."

Le Duc Tho: Basically I agree. We need to change the words a bit, to say that "the U.S. and the DRV will endeavor to contribute to bringing about a peaceful solution to the Cambodian problem."

Dr. Kissinger: Shall we "don doc" the Cambodian parties?

Le Duc Tho: This is our last effort.

Dr. Kissinger: This is no effort.

Le Duc Tho: Previously there was no such sentence.

Dr. Kissinger: Under those conditions I must consult the President.

Le Duc Tho: That is up to you. The few sentences I have mentioned to you would need to be rewritten. The rest of your proposal we cannot accept, even if you refuse to normalize relations and to create difficulties on the economic question, because we have no capability to settle this problem. Remember our discussions on Laos; I was authorized by our allies in Laos and the matter was settled quickly. The situation is now different. Today is our last day of meeting, so I will be glad to settle anything I have the capability of settling.

Dr. Kissinger: We may need another day. I will need to consult the President.

Le Duc Tho: That is up to you. If you exchange views with the President, I repeat that, aside from what I have already stated, we cannot settle anything else. And if we are unable to settle the Cambodian question and if because of this we cannot settle other questions, then we must simply shake hands and leave. I have expressed all my views. I have no intention of driving you into a corner but I am not capable of satisfying your desires.

Dr. Kissinger: It would be contrary to your nature.

Le Duc Tho: No, in negotiations when we want to settle we shall do so and not try to drive each other into a corner. We adopted that position in negotiating the Paris Agreement. For example, last December if the B-52s had continued their bombing I would never have come to Paris and the fighting would have gone on endlessly. In negotiations we must judge the exact level and then check a solution. You said I was trying to drive you into a corner. On the contrary, on Cambodia you are trying to drive me into a corner.

Dr. Kissinger: I want to see what influence you have on your three students.

Le Duc Tho: They are not students, but sovereign and independent allies. It is different.

Dr. Kissinger: I know it is different, but I also know these three gentlemen—I can never remember their names—were described by Sihanouk as complete disciples of Hanoi when they were opponents of his.

Le Duc Tho: I also don't know their names.

Dr. Kissinger: Shall I give them to you in case you meet them on the Ho Chi Minh Trail? After we have paved it?

Le Duc Tho: But after it has been paved, there will be no problem. We probably will have to go together; otherwise, you would claim I was violating the Agreement. Although I am a civilian and can move freely.

Dr. Kissinger: You can ride an elephant. Let me understand your views clearly so that I can repeat them to the President. As I understand, of our six points you can accept only point #6.

Le Duc Tho: We can accept the previous sentence also. Let me show you a draft. The last sentence of our draft would read as follows: "The DRV and the U.S. will endeavor to contribute to bringing about a peaceful solution to the Cambodian problem." Thus, you can see that we are making an effort in that direction, but that the sovereignty of Cambodia is respected. Therefore, there must be the first sentence.

Dr. Kissinger: But it is . . .

Le Duc Tho: [Reads] "1. On the basis of respect for the principles of the 1954 Geneva Agreement on Cambodia that recognizes the Cambodian people's national fundamental rights, i.e. the independence, sovereignty, unity and territorial integrity of Cambodia, the Democratic Republic of Viet Nam and the United States reaffirm that the settlement of the Cambodian problem falls under the sovereignty of the Cambodians.

"2. The Democratic Republic of Viet Nam and the United States reaffirm the obligations under Article 20 of the Paris Agreement. All foreign troops, advisers and military personnel shall be withdrawn from Cambodia.

"3. The Democratic Republic of Viet Nam and the United States will endeavor to contribute to bringing about a peaceful solution to the Cambodian problem."

As for the questions of a ceasefire and a time period for troop withdrawal, these are against the sovereignty of Cambodia.

Dr. Kissinger: But so is the presence of 30,000 North Vietnamese troops.

Le Duc Tho: If we discuss this question it will take a long time, because we would have to return to the origins and causes of the war, but I don't think you want to listen to that.

Dr. Kissinger: I am not unwilling, but I have heard it many times. The first time I met you you gave me a one-hour lesson that I have never forgotten.

Le Duc Tho: I have studied your draft, and therefore accept these three points but leave out the other two points. This is my last effort. We have been discussing these matters for four weeks; I have been here many days, and now we should have agreement. I have made the greatest possible effort.

Dr. Kissinger: But it is no special effort because it only repeats the points made last October.

Le Duc Tho: But the last sentence was not in the previous understanding.

Dr. Kissinger: But it was included as a unilateral statement.

Le Duc Tho: The two sides made it.

Dr. Kissinger: You will probably tell Sihanouk that you extracted a great concession from us.

Le Duc Tho: That is not true. It is a private understanding. If Prince Sihanouk or the Cambodian resistance members know about it they will be discontented. It is a private understanding that both sides will make an effort; anything more is against Cambodian sovereignty.

Dr. Kissinger: Whatever you do, Sihanouk will change his position in two years, since he changes sides every five years. Concretely, what will you do if we reach this understanding?

Le Duc Tho: I am not sure, but we will make efforts to contribute our views to our allies. But whether our views will be listened to or not, I don't know.

Dr. Kissinger: But you have 30,000 troops in Cambodia, which gives weight to your views.

Le Duc Tho: That is not true.

Dr. Kissinger: How many troops do you have?

Le Duc Tho: Almost all the fighting is done by Cambodians. Even your intelligence reports say so.

Dr. Kissinger: "Almost all" is not all. That makes a qualitative difference.

Le Duc Tho: All of the fighting. The other day I told you you should make an accurate evaluation.

Dr. Kissinger: We have. As a fact we can't go to Congress on aid while North Vietnamese troops are in Cambodia. This is a reality, not a condition.

Le Duc Tho: First, regarding the economic question, you earlier said there would be no political conditions. Now you are speaking contrary to this promise.

Dr. Kissinger: I am speaking of an historical process.

Le Duc Tho: No, you are speaking against what you said before. Second, the economic question is in our mutual interest. It will help the normalization of relations between our two countries.

Dr. Kissinger: I am just telling what the realities are. We are having a massive problem right now getting aid for countries in which we have not been at war. I am not talking about Vietnam.

Le Duc Tho: The economic question is in our mutual interest and it is also the implementation of the Agreement. So those are the points you should pay attention to, but even you can create difficulties for the economic question. But if you expect me to solve the question of Cambodia in accordance with your desires, it goes beyond my power.

Dr. Kissinger: We have two problems. One is in accordance with this paper. Number 2, I must report to the President and then must

see if we make enough progress in the next few weeks to overcome the difficulties.

Le Duc Tho: Your reporting our communication, it is your affair. I have my people too.

Dr. Kissinger: But you can give me your opinion.

Le Duc Tho: My views I have expressed.

Dr. Kissinger: And what are your views as to the consequences if we agree to the understanding? Is it your personal judgment that in the next week we can make progress to remove some of the difficulties?

Le Duc Tho: You will make your own effort and we will make ours, but as to the time period of two weeks, I cannot say, because that is a matter regarding Cambodian decision and sovereignty.

Dr. Kissinger: Four weeks?

Le Duc Tho: I can make no estimate. The decision is in their hands, not in mine. There lies the difficulty. Today I have told you everything I have in mind. It is my last effort. Even if because of the Cambodian question you will not carry out what you have agreed to, it will still be impossible for me to settle that problem.

Dr. Kissinger: Perhaps we can take a break. I will consult with my colleagues and then we can discuss normalization.

Le Duc Tho: It is 1:30. Shall we have lunch now?

Dr. Kissinger: Yes.

Le Duc Tho: You must understand I have said all I can and made an effort.

Dr. Kissinger: Not much effort.

Le Duc Tho: A great effort.

Dr. Kissinger: I think you can visit liberated areas without getting shot.

[The private conversation ended at 1:30 p.m. The group then lunched together in the side room.]

[The formal meeting resumed at 3:17 p.m.]

Dr. Kissinger: Mr. Special Adviser, have you read all the notes you have here?

Le Duc Tho: I have read them all.

Dr. Kissinger: I think we should have, if the Special Adviser agrees, some discussion on normalization. And also I would like to propose the following: I have some additional thoughts on Cambodia which I want to put to the Special Adviser, which will, however, require my consulting also with Washington, and I therefore propose that we delay the schedule we discussed this morning by 24 hours and that we meet tomorrow at our place—at the golf course. And that then on Friday we meet at Avenue Kleber and then on Saturday we have the signing.

Le Duc Tho: In brief, a 24-hour delay.

Dr. Kissinger: Yes, 24-hour delay to permit me to consult with Washington.

Le Duc Tho: I agree. As to the specific timing, then we will maintain what has been agreed.

Dr. Kissinger: We maintain all the specific times that have been agreed upon. The only problem is I probably have now made an appointment with the French Foreign Minister for 10 o'clock on Friday. If I cannot change that, I may propose that the 4-party meeting be moved to 12:00 rather than 11:00 and then everything in the schedule will slip one hour. But we can call you tonight and let you know definitely. I will endeavor—I will try to keep it at 11 o'clock. I will try to see if I can change the appointment with the French Foreign Minister. Incidentally, that does not concern our negotiations. That meeting grows out of the conversation between President Pompidou and President Nixon in Iceland.

Le Duc Tho: What time shall we meet again tomorrow?

Dr. Kissinger: 10:30–11:00, whichever you prefer.

Le Duc Tho: 10:30.

Dr. Kissinger: 10:30, all right. What should we discuss first?

Le Duc Tho: It is up to you, Mr. Special Adviser.

Dr. Kissinger: Why don't we talk a little bit about normalization, and then go back to Cambodia?

Le Duc Tho: All right.

Dr. Kissinger: What is your thinking, Mr. Special Adviser?

Le Duc Tho: I have expounded my views preliminarily to you the other day. What are your views, Mr. Adviser?

Dr. Kissinger: Our views are that after the implementation of the Agreement is advanced, including the withdrawal of foreign troops from Laos and Cambodia, the conditions will exist for a rapid normalization of relations between the United States and the DRV. I think at that point we can begin establishing offices in each other's capitals. Now we have found the institution of the liaison office to be a very flexible device. In the case of the Chinese it permitted representation at the Ambassadorial level. But we are prepared also to consider the establishment of regular diplomatic missions, which would initially be headed by *chargés d'affaires*. Of course, a liaison office would also have full diplomatic privileges. And then in either case we would envisage the establishment of full diplomatic relations within as rapid a period as the improvement of our relations would warrant.

Le Duc Tho: Have you finished, Mr. Adviser?

Dr. Kissinger: Yes, I have.

Le Duc Tho: Since we peacefully settled the Vietnam problem, the normalization of relations between our two countries, the gradual normalization, has been the objective of our government, which I have often mentioned to you, Mr. Adviser. But as you just said the other day, that the normalization of relations should be based on the scrupulous implementation of the Paris Agreement. As I told you the other day, the conditions for the normalization of the relationships is the scrupulous implementation of the Agreement.

But I would like to point out the following points: Regarding North Vietnam, you should completely and without time limit end all activities of aerial reconnaissance over North Vietnam. And then the conclusion of the five-year agreement on economic questions and the first year economic agreement, and the beginning of the implementation of these agreements. And then the mine clearing operations should be completed.

Dr. Kissinger: Is the Special Adviser bringing pressure on his old colleague here, contrary to the mood we have established over these many years?

Le Duc Tho: [Laughs] No, it is not pressure at all, because these are conditions created for the normalization of our relationship. And then in South Vietnam there should be a complete ceasefire and the situation should be stabilized as provided for by the Agreement. These are the few points on which a good strict implementation will create the conditions for the normalization of relations between our two countries.

Now you put another condition, that is, the withdrawal of troops from Laos and Cambodia. We will abide by Article 20 of the Paris Agreement that we have agreed upon. Regarding the troop withdrawal in Laos, we have already the Agreement and there have been provisions on that question of troop withdrawal. But regarding the question of withdrawal of foreign troops from Cambodia, there has not been a fixed date for that. And if you approach the problem as you are doing now, you will prolong the time period before we can normalize the relationship between our two countries.

Dr. Kissinger: But not after the Special Adviser has exerted his best efforts in Cambodia with his students to bring about an early political settlement.

Le Duc Tho: So I have raised a number of questions which would pave the way to the normalization of relationships between our two countries. As to the office to be established, after those conditions are met, I think that this office should be established, but as to the name of the office, I think it should be called an "office in charge of the relationship between the U.S. and the DRV," or it can be called the "representation of the DRV" or the "permanent delegation of the DRV." But not the liaison office. And this mission will be provided all the

diplomatic immunities and privileges as you say. And thereafter we can establish diplomatic relations, and the sooner the better.

The task of this office is to look after the relationship between our two countries; for instance, the implementation of the Agreement, the economic reconstruction of the North Vietnam, the healing of the war wounds.

Dr. Kissinger: And the withdrawal of foreign troops from Laos and Cambodia.

Le Duc Tho: [Laughs] And the normalization of relationships in other fields of mutual interest to both countries. When this mission, this representation, has been established, then the contacts, the liaisons between us will no longer be in Paris, but through this office. What do you think?

Dr. Kissinger: I agree.

Le Duc Tho: But before this representation is established then the liaison between you and I is always in Paris. Such are my views regarding the normalization of relationships.

Dr. Kissinger: First, Mr. Special Adviser, with respect to the specific conditions which you put. It is, of course, clear that a strict implementation of the Agreement by both sides will create the most favorable conditions for the normalization of relations by both sides, and this is especially true with respect to those provisions of the Agreement that are within the direct control of our two governments. Those matters that our two governments can do as the actions of our two governments and don't require the approval of other parties is what I mean. So there is no specific need to enumerate them, and we will both know when that moment has arrived. With respect . . .

Le Duc Tho: It is not yet clear to me, Mr. Adviser, it is not concrete enough.

Dr. Kissinger: Not concrete enough. What I mean is, those provisions of the Agreement such as Article 21 which is in our control to some extent, such as Article 20 which is in your control to some extent, such as some of the other provisions which you mentioned, which are particularly important for our two parties to observe. All provisions of the Agreement must be strictly implemented. And when that moment has been reached and both sides believe that the normalization can advance to another stage, then we should establish the offices which we discussed.

I would only add that in addition to the strict implementation of the Agreement, both sides should set it as their objective to look for opportunities to improve relations among each other by whatever means are available.

As to the name of the office, I agree that one of the three formulations you gave us will almost certainly be acceptable to us. Maybe

“Permanent Delegation” or something of that kind. But the major point is that the concept is acceptable to us. We can exchange views about the precise name at an appropriate time. We agree that it should have some other title than “liaison office.” Of course, if the Special Adviser’s trip to the U.S. should materialize, we could conceivably announce this at the end of his trip as one of the results. Or we could do it before. This is unimportant. We can do it almost any time that the two sides have agreed that the conditions are right. What is the Special Adviser’s idea about the correct timing?

Le Duc Tho: To my mind, after the scrupulous implementation of the few points I have just raised, this is the basis for the normalization of relations between our two countries, and then we proceed to the establishment of the delegation for permanent relations as I have just referred to; and after the establishment of such delegation, then I will visit the U.S.

Dr. Kissinger: After the establishment of the permanent delegation.

Le Duc Tho: Yes. It will be more convenient.

Dr. Kissinger: May I make just one suggestion? You will not appoint Mr. Loi as the Permanent Delegate? We will accept him, of course. So it is the Special Adviser’s idea that if we make progress on these points, the permanent delegation should be established sometime during the summer—I am just trying to get an idea—and then he would then come sometime in the fall.

Le Duc Tho: If we adequately implement the points as you said, then we can carry it out.

Dr. Kissinger: We don’t have to set a deadline. The key thought—the sequence will be that we will first establish a permanent delegation and after that we will have the visit of the Special Adviser.

Le Duc Tho: I agree.

Dr. Kissinger: If you come in the winter you can all go skiing. [Laughter] I know it is a famous Vietnamese sport.

Le Duc Tho: But I am very weak at bearing cold.

Dr. Kissinger: Now let me make one—have we finished about the normalization of relations?

Le Duc Tho: Roughly speaking, it is all right. Now, and when conditions are appropriate for the establishment of such relations, then you and I will exchange messages.

Dr. Kissinger: Let me raise one point about the work of the Joint Economic Commission. As I have tried to explain to the Special Adviser and the Prime Minister, with perhaps not total success, we have a massive Congressional problem in obtaining aid for North Vietnam, and as is daily demonstrated on TV, the Congress is not under total

control of the Executive Branch in the United States. Therefore it is in our mutual interest to cooperate to bring about the best results.

I am not talking now about the political matters which I had mentioned previously.

I have one concrete issue in mind. I would like to recommend that it would be extremely helpful if at some point Mr. Williams and one or two of his colleagues could visit Hanoi, because after that they would be able to speak with much more authority when they present the program to the Congress on the needs. So, for example, some of the matters of the Joint Economic Commission could be held in Hanoi. It would lend much greater weight to the testimony that they will have to give. Mr. Williams can discuss that with his opposite number when they meet.

Le Duc Tho: All right. Mr. Adviser, now let me speak a few words regarding the economic questions.

Dr. Kissinger: He'll do anything except discuss Cambodia.

Le Duc Tho: So you are putting conditions to me!

Dr. Kissinger: Go ahead.

Le Duc Tho: You and I, we have discussed these economic questions very lengthily before we signed the Agreement and during your visit to Hanoi. This question is not only coming under your responsibility but also is in our mutual interests of the two countries with normalization of the relationship. It is also your objective and our objective. And this question has been debated a great deal by the Joint Economic Commission. They have obtained certain progress. Please let me speak a few words about the projects. The other day you asked me about the projects. Now let me express my views on that.

Dr. Kissinger: Sullivan says you cannot have the atomic energy plant the first year.

Le Duc Tho: The capability of reception is not up to such level! First, regarding the amount of money you will contribute to this question. You have mentioned about the juridical difficulty in getting this money and we have discussed this question too on many occasions, and the Joint Economic Commission has also debated on that question on many occasions too. But the amount of money has been mentioned in the message of President Nixon to us. So the amount of money given to us for the first two years should be bigger than the amount of money given to us in the two following years. There has been agreement in the Joint Economic Commission on the amount of money given for the second year, but they have not agreed on the amount given for the first year. Because our need is urgent and special to a very extensive area. This is for the amount of money.

Now about the projects. I will tell you now the projects we would like to have. Now the establishments that the U.S. have destroyed in

the past, we propose reconstruction, but the U.S. side has not accepted a number of them; for instance, the steel complex, the textiles complex, the sea-going ships factory.

Dr. Kissinger: Are there any others?

Le Duc Tho: This is for our civilian transport.

Minister Thach: Not a convoy!

Le Duc Tho: It is the first category of projects.

The second category of projects are those which we would have built up without the war if there had not been the war. This is engineering factories, to build trucks and tractors. Second, petrol refinery and petroleum chemistry and then a factory for diesel motors and electric locomotives, diesel for steamships and railways.

Dr. Kissinger: You want diesel engines for steamships?

Le Duc Tho: For ships and railway locomotives. And then the equipment, the material for construction work after the war. That the U.S. side has not accepted too. This is equipment for the building of railways and steel sheet. So we have proposed some dozens of factories to be built while we have had hundreds of them destroyed, 300 of them destroyed during the war; we propose 30 or 40 factories to be built while we have had over 300 factories destroyed.

Now another question regarding the adjustment of the contribution because of the devaluation of the dollar. Please pay attention to that. As to the liquid money to buy goods from other countries, I propose that the market should be extended, because if you restrict to buy goods in Asia except Japan and the other socialistic countries, then the other countries have nothing to buy from.

As to the form of document to be signed, I propose that if we can come to an agreement then we should sign an economic agreement. It will be signed by authorized representatives of the two sides.

As to your proposal that some sessions, some meetings should be held in Hanoi, I think it agreeable.

Dr. Kissinger: You do or you do not think it is agreeable?

Le Duc Tho: I do think it is agreeable.

Dr. Kissinger: Yes.

Le Duc Tho: After we sign the Joint Communiqué, the Joint Economic Commission can meet immediately in Hanoi. There is no need to come to Paris.

Dr. Kissinger: That is probably a good idea. I will check immediately and let you know.

Le Duc Tho: These are the points I would like to raise to draw your attention to. As to the details, the concrete specific points, we will leave it to the Joint Economic Commission. During your visit to Hanoi

we have presented a larger scale economic program, and it is a long-term program in the long-term relationship between the people of our two countries and also in the interest of lasting peace based on the strict implementation of the Agreement that I speak of.

I have finished.

Dr. Kissinger: Mr. Special Adviser, we will take careful note of the particular projects which you mentioned. I will discuss them personally with Mr. Williams. I myself am not competent to give an answer with respect to the individual projects, but I promise you a careful consideration and a detailed answer when the Economic Commission meets.

With respect to the problem of devaluation, this affects primarily the amount of liquid capital that is available for purchases outside the United States. It does not affect purchases within the U.S.

Le Duc Tho: Please pay attention to it.

Dr. Kissinger: We will pay attention to you, but you must understand the whole project will be extremely difficult in our country. As for the meeting in Hanoi, I would like to consult my colleagues. There is a case to be made—we will have difficulty with communications with Hanoi and therefore, there is a case to be made for perhaps a first meeting in Paris, and then perhaps, once the basic framework is established, then to go to Hanoi. I will give you our proposal before we leave here. But in principle it is a constructive step to have some meetings in Hanoi.

Now may I return to Cambodia?

Le Duc Tho: First possibility is we will discuss it now. The second possibility is that we discuss it tomorrow, since we have another day tomorrow.

Dr. Kissinger: Let me talk to Sullivan for one minute. I could make a preliminary comment and then we could continue it tomorrow.

[Dr. Kissinger leaves the room briefly to talk to Ambassador Sullivan, then returns.]

I think Mr. Special Adviser, perhaps you are right, that the best procedure is that we leave Cambodia until tomorrow. Let me make this general comment. I understand very clearly what you have said to me when we were sitting over there, and I will report it fully to the President. I will take it very seriously into account and I will seek to obtain the President's agreement to come as far as possible towards your position. At the same time I would appreciate it if the Special Adviser could overnight give some serious thought to our problem. [Tho laughs.] Well, there is no sense having a discussion tomorrow if you tell me right away you can't give consideration to our problem, and especially in the general concern with the problem of ceasefire.

Now, I repeat, I have understood what the Special Adviser has said to me. We will make a very big effort to move towards your position and to take it very seriously into account. Then I am sure that if the Special Adviser thinks about it and does not consult the Minister, there is a possibility that something might occur.

Le Duc Tho: I can say that I have expressed all my views to you, Mr. Adviser, and I think my mind has been working very hard since I met you, and I have tried a great deal to find out the formula I have expressed to you. It is a very great effort. And we will discuss this question tomorrow. I think I can tell you straightforwardly that I can't add any word to what I have told you.

Dr. Kissinger: I must say I like the Special Adviser's negotiating method. When we raise the subject now, he says we can discuss it tomorrow. When I raise the question for tomorrow, he says there is nothing to discuss. Maybe we should not meet tomorrow.

Le Duc Tho: [Laughs] I just make it better for you in accepting for you to discuss the matter tomorrow. But I should frankly tell you that I cannot add anything to what I have told you. I cannot say otherwise, because it would be tantamount to a lie to you, because I have nothing to add. Because, Mr. Adviser, you say that you have to consult with the President and wait for a 24-hour delay. I have followed your views; that is the reason why I accepted. So, frankly speaking, even tomorrow I have nothing to add to what I have said. I would not want to lie to you.

Dr. Kissinger: I will have to consult with the President and I will have to convey to you his thoughts tomorrow. And then it is up to you to decide where we stand. I will convey very faithfully what you have just said, and then it is up to you to decide how we proceed after we have his reply. Maybe he will be so impressed by your best efforts to bring peace that he thinks this means there will be peace before the 15th and he will blame me for not accepting your original proposal.

So we shall study what you have said, and you will either study or not study what we have said.

Le Duc Tho: I have studied all your statements.

Dr. Kissinger: As an acquaintance of mine is in the habit of saying, it is up to you! We will communicate our conclusions to you tomorrow, and then we shall see where we are and then we can decide how to proceed. There is no sense making the speeches today that we can easily make tomorrow.

So, at 10:30 at St. Nom.

Le Duc Tho: Yes.

Dr. Kissinger: Are you going to keep your porte-parole under control? [Laughter] Shall we decide to simply say both sides will meet at 10:30 at St. Nom? No characterization of the meeting?

Le Duc Tho: I agree.

Dr. Kissinger: Does the Minister agree also? The Colonel too?

Le Duc Tho: I have good experience taught me that sometimes we must proceed and the schedule cannot be met. Therefore, yesterday I attended a reception given by the PRG on the 4th anniversary of the founding of the PRG. It was attended by an American journalist: he asked me about the prospective results of the coming series of meetings: Will it be concluded or will it be prolonged? I answer that it might be concluded, but it might be prolonged. It might be short; it might be long. [Laughter]

Dr. Kissinger: You are going to be right no matter what happens.

Le Duc Tho: Because I have got experience now.

Dr. Kissinger: But I am going to fool you one day. I am going to keep a schedule and throw all your military plans into confusion.

Le Duc Tho: All right.

Dr. Kissinger: All right. We meet tomorrow.

[The meeting concluded.]

64. Memorandum of Conversation¹

Paris, June 7, 1973, 3:08–6:40 p.m.

PARTICIPANTS

Le Duc Tho, Representative of the Government of the DRV

Nguyen Co Thach, Vice Minister for Foreign Affairs

Phan Hien, Ministry of Foreign Affairs

Colonel Hoang Hoa

Dang Nghiem Bai, Ministry of Foreign Affairs

Pham Ngac

Tran Quang Co

Nguyen Dinh Phuong, Interpreter

Notetaker

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs

Mr. Ronald L. Ziegler, Press Secretary to the President

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 124, Country Files, Far East, Vietnam Negotiations, Camp David Memcons, Joint Communique May–June 1973 [3 of 3]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at La Fontaine au Blanc, St. Nom la Bretèche. All brackets are in the original. The tabs are attached but not printed.

Ambassador William H. Sullivan, Deputy Assistant Secretary of State for East Asian and Pacific Affairs, Ambassador-designate to the Philippines
 Ambassador Graham A. Martin, Ambassador-designate to the Republic of Vietnam

Mr. George H. Aldrich, Deputy Legal Adviser, Department of State
 Mr. Lawrence S. Eagleburger, Deputy to the Assistant to the President for National Security Council Operations
 Mr. William L. Stearman, NSC Staff
 Mr. Peter W. Rodman, NSC Staff
 Mr. Richard S. Thompson, Department of State, Interpreter
 Miss Kathleen Anne Ryan, NSC Notetaker

Kissinger: I don't think you have met Miss Ryan. Miss Ryan suggested to us, since she is Irish, that we put the Irish on the ICCS, since they have the same pugnacious mentality as the Vietnamese.

Now, Mr. Special Adviser, our principal subject today is Cambodia. And we were going to spend the night thinking over each other's necessities.

Le Duc Tho: So I had a sound sleep last night and this morning.
 [Laughter]

Kissinger: Because you have understood our necessities.

Le Duc Tho: Yes, I understand too well your necessities.

Kissinger: Let me . . . I don't want to interrupt the Special Adviser if he has decided to agree to the understanding that Mr. Sullivan offered to Minister Thach.

Le Duc Tho: If so, we should have settled the matter long ago.

Kissinger: But I thought after he had heard my eloquent presentation yesterday, he had decided to agree. As a sign of good will.

Let me put before you our reflections.

Le Duc Tho: Please.

Kissinger: We understand the delicacy which prevents you from speaking for sovereign allies. And we understand why you cannot make assertions about what your allies have told you if your allies have not in fact told you anything. At the same time, it seems to us, however, there is a distinction between speaking for other countries and speaking for oneself. And we believe that it is important that the United States and the DRV, in view of the requirements of Article 20 and in view of the interrelationship of various issues, at least express their own attitudes.

We have looked at the understanding which you gave us yesterday [Tab A] and we have made an effort to take into account your views. And we would like to propose the following: We accept substantially your first three paragraphs. We have slightly rewritten your third paragraph in which the Special Adviser expressed himself with uncharacteristic restraint.

The way it reads now, let me read you. The first and second paragraphs are substantially the same as yours. Let me read you the third paragraph. And then I will read you a new fourth paragraph.

Le Duc Tho: Please go on.

Kissinger: The Special Adviser laughs before he even knows. For all you know I might have offered to accept Article 8(c) immediately in your original version. [Laughter] May I read paragraph 3?

Le Duc Tho: Please.

Kissinger: [reads] "The United States of America and the Democratic Republic of Viet-Nam will exert their best efforts to promote the early conclusion of a negotiated political settlement in Cambodia." Which is a slight change.

And paragraph 4: "The United States of America and the Democratic Republic of Viet-Nam undertake to appeal to the Cambodian parties to cease all offensive military operations and observe a strict ceasefire beginning 0400 G.M.T., June 15, 1973." And we would undertake to stop our bombing as of that date. [He hands over two copies of U.S. draft, Tab B.]

There are slight variations in paragraphs 1 and 2, but not very significant. Paragraph 1 is the same [as in the DRV draft].

Le Duc Tho: Have you finished, Mr. Adviser?

Kissinger: Yes.

[Both sides confer]

Le Duc Tho: Have you finished, Mr. Adviser? [Dr. Kissinger nods yes.] I have talked with you on this subject very lengthily, and yesterday before leaving we talked about it too. I said I did not want to change anything to the understanding on Cambodia and I said I did not want to lie to you. And whatever I told to you I keep my words, and I do not change my words.

As you know regarding the problem of Cambodia, since the coup d'état in Cambodia and the invasion of Cambodia by U.S. troops and Saigon troops, the people of Cambodia have stood up to defend their land and their independence. Of course, in this struggle, we and the three Indochinese countries unite with each other and help each other in the fighting. Now in order to have a peaceful settlement of the Indochinese problem, each Indochinese people should settle themselves their own problem, in conformity with their sovereignty.

Even regarding the problem of Laos, we have agreed with you on a number of points but those agreements should be obtained by agreement with our allies. But the Cambodian problem is much more difficult, as I have explained to you.

Now you are aware of the point of view expressed by the Government of National Union of Cambodia and the point of view of the

resistance forces of Cambodia. Therefore how can we replace them and settle the problem as you propose in your draft paragraph four? Therefore in order to have a ceasefire in Cambodia you should talk to the Government of National Union of Cambodia and settle the problem with the Cambodians.

We can only say as we have written in our draft understanding that together with the United States we will “endeavor to contribute to bring about a peaceful solution to the Cambodian problem,” since this is what we can really do. Therefore we can’t write paragraph 4 as you propose, because the ceasefire order, the time of the ceasefire, the cessation of the hostilities in Cambodia, should be decided by the Cambodians themselves.

As far as we are concerned, we reaffirm that we will strictly implement Article 20 of the Paris Agreement. This is my view regarding your paragraph 4. We can’t accept it. Now regarding the first three paragraphs: I think it is adequate when we say that “the Democratic Republic of Vietnam and the United States reaffirm the obligations of Article 20 of the Viet-Nam Agreement.”

So then . . .

Kissinger: That is Article 2.

Le Duc Tho: Paragraph 2, “All foreign troops, advisors, military personnel should be withdrawn from Cambodia.” When you add the words “and agree that it must be implemented,” it is what we have reaffirmed previously.

Now your third paragraph, we write: “The Democratic Republic of Viet-Nam and the United States will endeavor to contribute to bringing about a peaceful solution to the Cambodian problem.” We think it adequate. And when we write a “peaceful solution” it means a negotiation, a negotiated solution. Therefore I think that it is superfluous as you write. But if you like to amend and write “will exert their best efforts,” I think it is all right. This is my comment on your draft. Your proposed paragraph will make the problem more complicated.

By the way, I would like to bring to your notice the following regarding the Lao problem. Of late, one of your American counselors in your Embassy in Laos, he told Mr. Phoumi Vongvichit that the Lao Patriotic Front had to release the nine American prisoners of war under the pressure of the Democratic Republic of Viet-Nam. I received this message on this subject yesterday. I frankly tell you this. It is not beneficial, this statement. It makes the problem more complicated. But this is a minor question. The more reason when you add such a paragraph as paragraph 4 on the Cambodian problem.

So I think our third paragraph is very adequate. And I think that “the United States and the Democratic Republic of Viet-Nam will exert

their best efforts in that direction.” We will make an effort, both of us, but whether they will agree to it is up to them. So what I would like to tell you is that the problem is not so simple.

And regarding the question of Laos, I would like to suggest to you to tell your counselor in the United States Embassy in Laos that such a statement is incorrect. And it aims at what purpose?

I think that I have talked with you on this problem on Cambodia, we came to talk about it long ago. The first time you raised this problem was July, 1972, and now it is June, 1973. So it is nearly one year now. We have been negotiating for a long time, both of us. You have understood me. In negotiations between both of us, whatever problem I feel is possible to settle with you, then both of us will make an effort to find out a formula to solve the problem. But whenever we have a difficult question, whatever efforts we make, the problems cannot be solved. So I have talked with you a very long time on that subject. You should understand me.

Frankly telling you, I have been thinking about these problems since you raised the problem. So it is nearly one year now, and I have pondered over it very carefully. Previously I have sent you messages. We should abide by the message and we should not say anything more. But I have made an effort to find out if I can say anything more. Therefore the effort we have made is reflected in this paper, and it is the last effort we can make. And no matter what you refuse to sign, we can do nothing otherwise.

I hope it is the last time I speak to you about this question.

Kissinger: Whether it is the last time, Mr. Adviser, depends on what happens after our discussion. One reason why paragraph 2 of your understanding presents us some difficulties standing alone is because Article 20 has not been implemented since January 28, so to repeat that it should be implemented isn’t very reassuring.

Our negotiations have generally progressed when we took into account each other’s basic problems, and our negotiations have generally failed when either side tried to insist on maintaining its maximum position.

Now, the Special Adviser has made a number of points. He has told us that the relationship between Hanoi and the three local Cambodian leaders are one of total standing apart. In fact, from 1967–69 Prince Sihanouk repeatedly labeled them as your representatives. In fact he used the word “your lackeys.” I am not using the word; I am merely quoting him, Mr. Special Adviser. I wouldn’t use such language about the Special Adviser’s students. I am quoting Prince Sihanouk. The first time these three gentlemen were mentioned, in fact, was by your service, your VNA services in April 1970, and it wasn’t until several weeks,

months afterward that Sihanouk announced that his former enemies held three key positions in his government.

So I repeat, we think you are too modest about the degree of your persuasiveness, and we think if Minister Thach took a trip to what you call your “liberated areas” as he occasionally did to Sam Neua, there might be the same positive results. It is not that I want to keep the Special Adviser from a reunion with his students, which I am sure would be very moving.

Le Duc Tho: [laughs] It is an incorrect statement that they are my students. They are our allies.

Kissinger: The second point which we cannot of course ignore is your logistic support, which we have already mentioned. We believe that each country in this sense has a certain responsibility.

Finally we have taken great care with your proposal, with your arguments yesterday that it would be inappropriate for you to assume a conclusion on the part of the Cambodian parties. And it is therefore that we have formulated the fourth paragraph not as an obligation on the Cambodian parties but as something that you and we would jointly undertake, namely to appeal to them to observe a ceasefire. We do not see in what way this is a derogation of their sovereignty, since they are perfectly free to refuse our appeal. It is in fact a reaffirmation of their sovereignty. And we therefore find it difficult to understand your reasoning in refusing to go along with this.

I have told you many times that we consider the Agreement as a whole and we have told you many times there are no conditions attached to Article 20 and that all the conditions are in your interpretations, which can find no support in Article 20. So a great deal in our relationship depends on the ability to implement Article 20. Though of course we will be glad to discuss with you the methods by which this can be achieved.

One word about Laos. I have the impression that all the parties in Laos are somewhat excitable and their comprehension of foreign languages leaves something to be desired. It is therefore difficult for us to make a judgment on what our counselor might have said, without consulting our counselor.

Le Duc Tho: Please check up, Mr. Special Adviser.

Kissinger: But I agree with you, Mr. Special Adviser, that both sides should take great care in not putting out statements that make it difficult for each other and we will not put out statements implying pressure. In this . . .

Le Duc Tho: And we never make pressure. It is an agreement with our allies.

Kissinger: Well, you don't even make pressure on me, so how could that thought occur to me?

As long as we are speaking about Laos, where everyone seems to report what everyone else is saying, one of your representatives there has been making eloquent statements about the great victory you are about to have over me here. And if my father sees this he will be very upset. And your representatives have the unfortunate habit, wherever they are, of saying you forced us to agree to what you and I know was a free-negotiated agreement, therefore falsifying the spirit in which you and I negotiated. So I think both of our representatives should be instructed to be careful to curb the exuberance of their perceptions of things they don't fully understand. So to sum up, we agree that neither side should exert pressure nor imply that either side has exerted pressure.

With respect to Cambodia, we agree the problem must be settled in a way consistent with the sovereignty of the Cambodian people, within a timeframe relevant to other elements of this Agreement, as implied by Article 20. Though the modalities are of course subject to discussion.

That is all I have to say.

Le Duc Tho: Let me answer the points you have just raised.

Kissinger: On what country?

Le Duc Tho: Regarding Cambodia, the central point for you. You have justly said that in the course of our negotiations we should understand each other's problems and a settlement of the problem required to meet the real situation and the requirements of each side. But in negotiations, if the demands of one side go beyond the position possibly acceptable to the other side, then no solution is possible. This is the way negotiations should be carried out. So your demand in this question has gone beyond the limit that our position permits us to accept.

The relationship between us and Cambodia is not one of standing apart, as you say, but it is related. They are our allies. With any of our allies, we have to respect their sovereignty, their independence, and we should be equal to them and they should be equal to us. That is the reason why there are problems on which our allies can agree with us, but there are other problems on which our allies disagree with us. When they disagree with us, we have to respect them. So, regarding the Cambodian problem, if you pose the problem of Cambodia as done in your paragraph 4, Cambodia will never accept it.

But now you propose to use the words "appeal to the Cambodian parties." But the appeal will be made by the United States and the DRV. That means that the United States and the DRV have agreed on that question, which means to put a pressure on Cambodia. This means a violation to their right to decide on a ceasefire. Therefore this proposal makes the problem more complicated. Therefore I think our wording in paragraph 3 is very adequate and sufficient.

Now what you said about Article 20 of the Agreement, I have repeatedly told you that we will respect this article of the Agreement.

Kissinger: "Implement" would be a better word.

Le Duc Tho: Just like in Laos, the problem in Laos, the two Lao parties have settled the problem in this way. Therefore I think that the ideas we have expressed in our understanding is appropriate and adequate. Now another point you are raising, the word you have said about Prince Sihanouk.

Kissinger: I was quoting Prince Sihanouk, I wasn't saying it about Prince Sihanouk. We are not responsible for . . .

Le Duc Tho: Maybe it is a correct quotation of Prince Sihanouk. It is understandable, this statement, when the Prince made it in 1967, 1969. It may be that the Prince has said it, but if because of that statement you think those Cambodians are my students or my lackeys, it is completely incorrect. I confirm to you that they are our allies, the resistance forces in Cambodia are our allies. And it is understandable, too, Prince Sihanouk's statement in 1970 that these Cambodians are now in the government, in the GRUNK. It is Prince Sihanouk's position. So I have answered the points you raised about Cambodia. We can't write anything other than what we have written in our understanding.

Regarding Laos, there is no problem. The only point I would draw your attention to is what I have just said.

Kissinger: Mr. Special Adviser, I have listened to you with great interest, and I understand the relationship you have with Cambodia. But as a former professor of international relations, it is a new theory to me that one cannot make a proposal to an ally and that a proposal constitutes a pressure. Because we are talking here of an understanding that is unsigned, and will presumably not be published. It is difficult to understand why advice to an ally would be considered pressure. One would think that an ally was easier to talk to than an enemy.

Le Duc Tho: You are right that we can raise our views to our ally, but we will raise and communicate our views directly to our allies. But here you propose that you and I will issue something without the agreement of our allies. So I think you have lacked this way of doing in foreign relations. So I'd like to complete your theory. [Laughter]

Kissinger: I think, Mr. Special Adviser, you and I will be an unbeatable team when we give our joint lecture tour around the United States. Mr. Ziegler may in fact put us on television. [Laughter]

Of course, I think the Special Adviser is suffering from a misapprehension. We are not proposing a joint public appeal from Paris. We are suggesting, and perhaps there has been some inadequate drafting here, a separate appeal by each side to whichever party it has the most influence with. And this appeal should be made by whatever means

is considered appropriate to the state of relations of these two sides. And as I pointed out, we would consider it very appropriate if the Vice-Minister made a special trip, so there would be no publicity whatever. We don't want to suggest which procedure you should follow, but seriously what we have in mind is that each side should appeal to its friends, in whatever way is appropriate to its relationship with its friends, and in a private manner.

Le Duc Tho: Now let me answer your points, Mr. Kissinger. You have put in your draft "the two parties undertake to appeal to the Cambodian parties." Now you redraft and say "each side will appeal to the Cambodian parties," but each side will make a separate appeal. But it is written in a common understanding between the DRV and the U.S., so it is the same. And when we do this we have not obtained the agreement of our allies.

Kissinger: But if you had agreed with your allies, you wouldn't need an appeal to your allies. I am trying to understand. This is a new approach to diplomacy. Do you say "we would now like to make a proposal" and you then make a proposal?

Le Duc Tho: The problem is the following: The proposal is written in a common understanding between you and I, and these people will understand that between the United States and the DRV there has been some agreement already. And if this comes to their knowledge, it would make more difficult the implementation of paragraph 3, as we have said. I just pointed out to you that only a sentence said by an American counselor at the American Embassy in Laos gave me difficult problems.

Kissinger: Maybe they will throw your forces out of Laos.

Le Duc Tho: Each nation has its sovereignty and dignity.

Kissinger: Maybe the Lao got so mad at you they will now ask all your forces to leave.

Le Duc Tho: Yes, the pulling out of foreign forces from Laos also obtains an agreement of the Lao parties, because it falls under their sovereignty.

Kissinger: It is a novel theory: The trick is to get the forces in the country; once there, it is a violation a derogation of their sovereignty to get them out. We spent three and one-half years in Choisy-le-roi on the subject of American troop withdrawals, and if that theory had occurred to me we would still be discussing it. It is unfortunate that my mind is not as fertile as the Special Adviser's.

Le Duc Tho: And no doubt your theory reflects your mind. Because you don't make the difference between the two forces, foreign troops in a foreign country. Your troops are troops of aggression against Laos and South Vietnam, so these troops should be pulled out under an

agreement as in the Paris Agreement in Vietnam and the Agreement on Laos. But the Vietnamese force in Laos, we operate with our allies. We entered to unite with our allies to fight against you. So these troops will pull out under the provisions of the Agreement; in that case there should be agreement of our allies. But with American troops it is different. You entered the country; you have to pull out. But in Laos we Vietnamese, we enter and we will pull out; it is an obligation under the Agreement, we will do that. Therefore when we enter and when we pull out, there must be concurrence with our allies. So there are two different problems.

So our point of view in this question differs. We cannot act against the Agreement, when our allies have not agreed to that. Before we discuss the problem with you, everything we have to discuss with our allies. It is the same thing as on your side, but there is a difference with your side. The nature of our alliance is different from that of your alliance. Our alliance is characterized by equality. Discussion is made, but whether they agree is a different matter. You can look at Communist countries and see that. There are problems, and views are listened to. But your allies, if they disagree with them, you force them to follow you.

Kissinger: It is a curious phenomenon that Communist armies have repeatedly been used against allies since the war, but American armies have never been used against allies. In fact, a case can be made that in Europe Communist armies have been used only against allies. [Tho laughs.] But I don't want to discuss political philosophy with the Special Adviser.

I want to say one thing very clearly, so there is no misunderstanding. When we negotiated Article 20 I don't remember that the Special Adviser said, "Yes, but this applies only if our allies agree." Because then we would have never accepted it. In fact, when we wrote Article 20 we specifically pointed out—and the Special Adviser agreed—that with respect to Laos and Cambodia Vietnamese armies would be considered foreign. So I defy the Special Adviser to find me one sentence or one clause that says the DRV can keep its armies in Laos and Cambodia until these countries ask it to leave. It is an interpretation we would never have accepted and it is an interpretation we do not accept now. And if it is maintained it will result in very serious consequences for our future relationship.

Le Duc Tho: Let me answer this point. First, your idea that Communist troops were used against another Communist country, you said you didn't want a debate on that. O.K., I agree. But our points of view on this subject are diametrically opposed.

Kissinger: I have enough trouble studying Vietnamese history, let's not get into any other.

Le Duc Tho: Let me address Article 20. When I discussed with you Article 20, we had obtained agreement with our ally. Therefore we

agree that foreign troops in Laos and Cambodia have to implement Article 20.

Kissinger: No, that is not what it says. It says foreign troops in Laos and Cambodia have to be withdrawn.

Le Duc Tho: You are right. Foreign troops have to be withdrawn. But in our negotiations, it has not been defined even when they will be withdrawn, how the troops will be withdrawn. We only discussed the principle, and our allies share the same view with us on this principle. But when these troops have been withdrawn, it has been clearly defined in the Laos Agreement. Therefore we will implement Article 20 in principle as we agreed with you, and in details as in the Agreement on Laos. It will be the same for foreign troops in Cambodia.

So I have answered your views regarding Article 20, so you are clear.

Kissinger: So, if I understand the theory of negotiation of the Special Adviser is that if he and I agree, it is only an agreement in principle; then we have to have a discussion about modalities. Then if we agree on that we have to negotiate on the details. So we never do anything that is in the Agreement.

Le Duc Tho: Actually when we discussed on the Paris Agreement, it is an agreement on principle. In regard to Vietnam there have been protocols which give details to the principles in the Agreement. Regarding foreign troops in Laos and Cambodia there will be protocols drafted by the Lao and the Cambodians to define the modalities and details of the troop withdrawal.

Kissinger: The modalities are simple. They should head north.

Le Duc Tho: There are many points in the modalities, but they must be agreed upon.

Kissinger: It will not surprise the Special Adviser that we do not agree to that interpretation.

Le Duc Tho: And I do not accept your interpretation and your demands.

Kissinger: You have proved that you don't accept it. You have kept your troops there.

Le Duc Tho: It is not correct.

Kissinger: You haven't kept your troops there?

Le Duc Tho: Foreign troops are still there of various parties. But in Laos the time period is fixed for the troop withdrawal and all troops will have to be withdrawn. We will implement this article.

Kissinger: Can we go back to Cambodia?

Le Duc Tho: And you have to implement this article.

Kissinger: Of course we have to implement the article. To go back to Cambodia, what we are saying is that each party should appeal to

its own friends. This could be expressed in many ways. It could be expressed in simultaneous statements that we inform you that we intend to appeal to our friends, and that you intend to appeal to your friends. In that case it would not be necessarily an agreement between us that we should jointly appeal.

Le Duc Tho: You have offered three formulas so far.

Kissinger: As a sign of my good will and serious intent!

Le Duc Tho: I know that you have made an effort to find various formulas to come to an agreement, but the basic thing is that in this problem your three proposals basically have the same content. The US and the DRV undertake the same understanding; the two parties in the same understanding make a separate appeal. It is not written in the understanding but you will make an appeal and we will make an appeal, but it is a common appeal. And our ally will think it an interference in their affairs and that this has been agreed to by the United States and the DRV. It will make the problem more complicated, so the complications will make it more difficult than you think it can be.

So I think you should be more realistic. You are very tenacious in sticking to the problem. But tenacity doesn't mean that finally the problem will be solved. For me, whatever problems I make an effort to solve, I am tenacious in sticking to it, too, but finally when we realize that in practice the problem is impossible, then you and I should give up. Because it has come to the point where no solution is possible. But you have understood me, that whenever I can settle the problem, I do settle it. And in the process of our negotiations you have come to this conclusion and I think that this conclusion is correct. And whatever the problem is, if it cannot be settled, then I am resolute from the beginning to the end. When it is possible, then I settle it. For instance, the question of North Vietnamese troops in South Vietnam, throughout the five years I can never settle it with you.

Kissinger: That was easy because there have never been any North Vietnamese troops in South Vietnam. Thus it is very easy. You could not settle something that wasn't there.

Le Duc Tho: [Laughs] We understand each other in negotiations. But there are problems that I stick to very tenaciously, for instance, the immediate resignation of Nguyen Van Thieu, but when I realized that this was impossible—you told me that our demand for the immediate resignation was unacceptable to the United States—but finally, to be realistic, I have accepted the solution as reflected in the Agreement.

In brief, we have talked about the Cambodian problem for too long, for so many months now. We have been talking about this question for two hours this afternoon. So I think we should stop this discussion; if we repeat today our argument, it is the same argument. It is up to you.

I have finished. I propose a little break now. You are stronger than I am, and . . .

Kissinger: Could I just make a comment and during the break study the papers that Minister Thach has been circulating? It would speed up matters if you let us have them now. Then I don't have to reply.

Le Duc Tho: I have given you a paper. This is the utmost effort. [Laughter]

Kissinger: Your redraft of paragraph 4, just to speed things up a bit.

Le Duc Tho: If you want to redraft paragraph 4, probably Ambassador Sullivan and Minister Thach will have to remain here one month more and still without any solution.

Kissinger: Your comments are full of ambiguities which we have learned to admire from you, because they draw historical precedents in opposite directions.

It is true that you were very tenacious about the nonexistent North Vietnamese forces. [Laughter] In fact it is a pleasure to do business with such a pacifist nation that has almost no forces on its own territory.

Le Duc Tho: Actually I should tell you there are ambiguous things but there are very clear things. In real life there are some things concrete but we cannot implement, but there are ambiguous things that we can implement.

Am I not concrete enough? [Laughter]

Kissinger: When we were talking before privately, I told him, the Special Adviser, that he and I for one session would change sides because we know each other's speeches so well that we could change easily and negotiate with great effectiveness. [Laughter]

May I now finish what I started saying? What I started saying was, the examples quoted by the Special Adviser permit both interpretations. When the Special Adviser recognized we were very serious in the case of the political structure of South Vietnam, he recognized reality. He didn't say he was recognizing reality, but we appreciate whatever comes our way.

The Special Adviser has given innumerable explanations of why a set of individual statements addressed to one's friends expressing a point of view is pressure. When one looks at the situation there are two possibilities. Either the DRV wants to settle the Cambodian problem by force in its own way, or secondly, the DRV is willing for a rapid settlement, but there is a disagreement as to the method. If it is the first course, we have had innumerable experiences; if there is the use of pressure there will be very unfortunate consequences. Whenever one side has ignored this, it has turned out to be serious. If it is the second, there must be some way of expressing it. As you know, when

I negotiate, I don't often refer things to Washington. But when I do, it is because it is of great importance in Washington. And yesterday I did so. If it is the first course, I can tell you now that if you attempt to settle this unilaterally, we will not be able to draw the consequences that both you and I for personal reasons and other reasons hope for.

Are you finished? Now I accept the Special Adviser's proposal for a break, because objective necessity demands it. [Laughter]

Le Duc Tho: Please let me speak one word. You have tackled this problem with me and you have made me very tired. You wait for my exhaustion before you attack me. But I am strong enough.

The two explanations you gave, these are my views on that. The first possibility is as you said, that the DRV now wants to settle the Cambodian problem by force. It is completely wrong. If it were our desire to settle the Cambodian problem by force, then we would not have written our paragraph 3. So this interpretation of yours is untenable.

Now the second thing is, we said we should have a peaceful solution to the Cambodian problem. But our competence in dealing with you about the Cambodian problem cannot go beyond the sovereignty of the Cambodians. That is the reason why we can only have this solution and we will strive in that direction, and you should also strive in that direction. Now we shall have a break, for objective necessity.

Kissinger: I will answer you now, I will not let you have the last word. You can not speak both the first and the last.

Le Duc Tho: Now I give you the last word. I will listen to you.

Kissinger: All right. I call the recess!

[The meeting broke at 4:56. Kissinger and Tho conferred privately out on the lawn. The meeting resumed at 5:30 p.m.]

Kissinger: I am going to give you five minutes and then settle unilaterally. Since now we are resuming our work, I will show you . . . Since you asked for the break and since you were in animated discussion with your associates, what do you think? I know the usual gentleness of your nature would long since have prevailed if it weren't for Thach.

Le Duc Tho: Our discussion during the break were hotter, more animated, than those I have with our colleagues.

Kissinger: But I still don't know what you are trying to tell me. I am like the man who is still trying to understand the Two-Point Elaboration.

Le Duc Tho: Mr. Adviser, I have expressed all my views. How should we proceed now?

Kissinger: Let me first read the third paragraph of your document as you expressed it: [Reads:] "The Democratic Republic of Vietnam

and the United States will exert their best efforts to bring about a peaceful solution to the Cambodian problem.”

Le Duc Tho: “Will exert their utmost efforts to bring about a peaceful solution to the Cambodian problem?”

Kissinger: Yes.

Le Duc Tho: So we agree on that wording?

Kissinger: No, I am just asking for your proposal.

Is this how we now have it?

Le Duc Tho: Yes, it is our position.

Kissinger: How about adding “including an early ceasefire?”

Le Duc Tho: I think a “peaceful solution” is sufficient.

Kissinger: I think an early ceasefire would be more concrete.

Le Duc Tho: It is more correct to put the words “peaceful solution.”

Kissinger: I want both.

Le Duc Tho: I have explained to you long my views about the ceasefire.

Kissinger: You want peace without a ceasefire. [Laughter]

Le Duc Tho: The “peaceful solution” includes a ceasefire. Because without a ceasefire there will be no peaceful solution.

Kissinger: Can we add that as a unilateral interpretation of the North Vietnamese side?

Le Duc Tho: And I think we should write only these words. Anything added to it will make it more complicated.

Kissinger: Well, we have to find a middle way between your complications and our difficulties.

Le Duc Tho: I think this going between our position, our complications and your difficulties, is the result of too much thinking. As you say, this is only a mere sentence. What the problem is is whether we will really do our best efforts. But we should not exert our best efforts as you have done regarding 8(c)!

Kissinger: Well, Mr. Special Adviser, I will have to refer this in this form to Washington because, as I said, it is of great importance to them.

Le Duc Tho: I agree.

Kissinger: And we then have to meet tomorrow at Gif.

Le Duc Tho: I agree.

Kissinger: We have to discuss the schedule now. I propose that in light of these delays that we cancel the four-party meeting.

Le Duc Tho: I agree.

Kissinger: There will be certain speeches that will be lost to posterity. But if Professor Hieu wants to submit a written document, we will look at it. [Laughter]

Now we have to discuss procedure as to the signatures. Assuming I get approval from Washington.

Le Duc Tho: Please go ahead.

Kissinger: Also I would then propose, after we have heard from Washington, that we initial the agreement tomorrow in Gif and that we stick to the schedule of signing on Saturday.

Le Duc Tho: Who will sign?

Kissinger: I was just coming to that problem, Mr. Special Adviser. We thought Mr. Ziegler should sign. He hasn't ever done it before.

As you are no doubt aware, there have been statements today from Saigon about their reluctance to sign an agreement. Since you know the delicacy of dealings with one's allies—and we have gone further than you and we are strongly recommending that they sign. Our proposal is as follows. This is assuming the President accepts this understanding on Cambodia. If Saigon clarifies its view, we will proceed as we have agreed to previously, that is, we will have a two-party and a four-party signature. If Saigon doesn't clarify its view, we propose the following: We propose that you and we sign a two-party document which, however, is phrased "they shall do the following," which is phrased not as a recommendation but as a prescription. In other words it is exactly the current text minus the phrase "with the concurrence of." There is no change in the text at all, except the phrase "with the concurrence of" is deleted. And there is a similar technical change in the conclusion.

At the signing, you and I would make brief statements appealing to all parties to observe this agreement, this communiqué. Or if you want, we sign a joint statement appealing to all parties to observe the communiqué.

We would regret it if the situation arose, but as one famous negotiator has said, when we and our allies disagree we must respect their views. So these are the two possibilities that I foresee. The second situation may not arise, but we should be prepared.

Le Duc Tho: Have you finished?

Kissinger: Yes.

Le Duc Tho: I have come here to negotiate with you. You should have realized what was our intention, but you should also understand us. We never resorted to about-faces or changes, but in negotiating with me you have often made about-faces and changes. Regarding the timing, if you don't sign then I won't sign. I don't need to. But you should respect your promise. Before you left last time, you promised me on your honor that you would stick to your schedule and you told me about the way of signing. You sent me a message saying that your promise was being respected, but you resorted to various maneuvers.

But I say you can't make pressure on me. If you want to settle the problem, I show good will and settle with you; if you don't want to settle it is all right. It is something definite. I frankly tell you this. I have told you on many occasions that I will never accept pressure. I will solve only on the basis of reason and truth. You should know that, since I began the negotiations with you.

The understanding I had with you I always stick with you. But you have never implemented many understandings and promises to me. What you said to me before you left Gif-sur-Yvette to go to Washington, what is your promise now? Your promise has no value. I have self-respect. Whatever understandings I have with you, I implement them. But you have not respected the understandings and the promises you have made to me. Therefore now if you have good will and want to settle the problem with us, we are prepared to do it as we agreed. But if you don't want a settlement and you prolong the negotiation, I am prepared, and even if you want to interrupt the negotiations. I say this with open heartedness. Please review what you said last time before you left for Washington. Now it is different. You said that Thieu had made a statement. But this statement of Thieu is made on your suggestion.

Kissinger: Just a minute.

Le Duc Tho: Let me finish. You see how difficult it was in the Agreement; you could force him to sign. And the joint communiqué it is the same content as the Agreement. So you use these statements to deceive me. I am not a child; I am your interlocutor. I have never used such sentences as you are just making. Therefore I think it is wrong what you have just said. Whatever you do, whether you prolong the negotiations, you interrupt the negotiations, we will follow suit. So what is my intention when I come here, I have responded to you. I have finished.

Kissinger: Mr. Special Adviser, during today and tomorrow, it is totally inadmissible to conduct negotiations in a raised voice. I understand you, and it is not necessary to do so in a raised voice.

Le Duc Tho: But it is your changes, in a most strange way. Therefore I have to raise my voice. Have you seen any cases where I say something where I change and reverse my statement?

Kissinger: I have seen many cases where you have changed your position but I have not raised my voice. But in any case, raising your voice will not change the circumstances.

Let me tell you the situation the way we see it, and whether you believe it or not is up to you. You obviously think this is a maneuver which we engineered. It is a strange attitude from someone who argues that a resistance group operating in a restricted territory is totally out

of your control but a leader with a large army is totally subject to our control. When we communicated with you we had every assurance that what we communicated to you was correct. And what we communicated to you reflected the position as we understood it at the time and we knew we were correct.

The first I heard of any difficulties with respect to the signing was last evening after our meeting. And the reason I asked for a delay was in order to ask for possibilities to deal with that situation.

Now then, I have made a proposal to you in good faith. We can not say "with the concurrence of Saigon" if Saigon does not concur. Nevertheless, if you and we sign a joint statement and make a public appeal that it should be executed, we and you would take a certain responsibility. And if Saigon refuses to carry it out it will have deprived itself of the necessary American support.

Now, as I said, the situation may not arise, and our arguments may still prevail. If our arguments do not prevail, then you have the choice of believing that it was a trick and then you can refuse to go ahead. And then each side will naturally explain what happened. Or else we sign together and jointly bring pressure on all parties to execute the agreement that you and I have made. We prefer the four-party signing because it is much less embarrassing for us. And it is an absurdity for you to pretend that I have treated you as a child when as a sign of good will and of what we have negotiated that we are willing to dissociate ourselves publicly from our allies.

But if we can not obtain the concurrence of our allies by tomorrow and you want to delay another two weeks to see if we can get it, that is up to you.

We have informed Saigon that we will proceed to sign the agreement on Saturday with or without its approval. But accusations of trickery are totally inadmissible. Though I regret the change of mind of our ally.

Le Duc Tho: Let me speak now. It is not the first time you and I negotiate, but you and I have been negotiating for a long time and I have understood you. And during this series of meetings you have made three promises to me and three times these promises have been changed. So what I have said is reflecting the situation created by you. During the five years you negotiated with me, is there any case where I behaved in such a way? But I can definitely tell you that I will never sign the document as you proposed, that is, the documents signed without the concurrence of Saigon and the concurrence of the PRG. That is something definite. And whatever I say will be definite, it is definite. You have understood me. Therefore if now we don't agree, then we have to interrupt the meetings. You will return to Washington and I will return, and whenever you feel that a solution is possible on

the points we have agreed to . . . The documents have been prepared by the experts and completed; now everything has been changed, and I disagree to these changes. But if you maintain that, then we can return. This is what I say.

And what is the relationship between you and Saigon, you are more aware of that than I. And I think that a great number of other people understand this question better than I do.

I think that the proposal that you have just made will not bring about a solution. But if you want to discuss tomorrow, I am prepared. Because you say there remains two possibilities: There is the possibility that Saigon might accept, and it might not. I will wait until tomorrow to see what possibility that Saigon might accept, and it might not. I will wait until tomorrow to see what possibility will come true.

But I have expounded my definite point of view. I will not sign the document as you propose. I will only sign what has been agreed to. And Ambassador Sullivan went to Saigon for so many days, and so you have exchanged views with your allies, and then after the return of Ambassador Sullivan, Ambassador Sullivan and Minister Thach have discussed everything and agreed to [everything]. Even the way of signing has been agreed to, and the understandings have been decided. Therefore I maintain this agreement and I maintain your promise and I value your promise. But if now you adopt another way of doing as you propose, then I can definitely say I do not accept this. I am prepared to discuss with you tomorrow but I have to clearly expound my position. It is clear.

Kissinger: The situation is out of my control. The record leaves no doubt that we have made maximum efforts in Saigon and here. If you think when I have spent two weeks here two weeks before the visit of the General Secretary, negotiating with you, and more for Sullivan, we would deliberately raise procedural difficulties—it takes a convoluted mind. If Saigon agrees, the only issue is whether the President accepts the Cambodia understanding. If Saigon doesn't then it is up to you to accept if you want to accept a joint U.S.–DRV statement.

We are prepared to implement every provision in this agreement. We are prepared to induce Saigon to implement every agreement if we sign it bilaterally. And it would be a heavy responsibility for Saigon to not go along if we two have signed the agreement. If you do not go along with this we will have proved to ourselves that the complexities of the Vietnamese situation and perhaps of the Vietnamese mind are too great for us, that we have reached an impasse, and we can document that we have done our best, and in that case we will have to wait for the future.

Le Duc Tho: You said that my mind is strange. It is nothing strange at all or complicated at all. My mind is very clear. As far as we are

concerned, I have expounded to you our views. We will accept only what has been agreed to after the visit of Ambassador Sullivan to Saigon and after he returned here and after we have completed the document. We will accept nothing but this document, and if you don't change your mind and if you maintain the proposals you have just made it is certain that our negotiations will come to no results, and then we have to postpone. There is no other way. I have expressed my views. We will meet you tomorrow to see what is the decision of the President of the United States and the decision of Saigon. But I expounded my positions to make it clear to you beforehand.

Kissinger: I understand your position, Mr. Special Adviser. There are two things that are now out of my control. One is the reaction of the President to the Cambodia understanding, and the second is the decision that Saigon will make in the face of our appeal. I propose to meet tomorrow at three o'clock.

Le Duc Tho: I agree.

Kissinger: If Saigon agrees and the President agrees, we can then initial there. And we can keep to the schedule of signing that was established for Saturday. That is my strong hope. In that case we should announce tomorrow that we have achieved an agreement and will release the documents the next morning. Or later that night. We can decide. If we cannot bring about a change in Saigon, then we will have regretfully to postpone the negotiations. It will be a great personal regret for me, as it must be to you. Because we have both made considerable efforts. But I think we should face that situation tomorrow when it arises.

Le Duc Tho: Yesterday, I told you already, because I have got experience with you, therefore when I was asked by American journalists, I told them that it is possible that there would be a solution but it is possible that the negotiation will be prolonged; it is possible we will obtain results and possible we will not. It is the practical experience we have gotten throughout our negotiations.

Therefore tomorrow I will meet you again. It is your great hope that we will come to a solution; it is also my wish too. But if tomorrow we cannot settle the problem, then I will shake your hand and we will leave. There are two possibilities, and I have foreseen it. And therefore when asked by journalists I gave my answer. When I first came here it was my foresight. It might be that we could settle the problem with you, but also the possibility that we would shake hands and leave.

Kissinger: Well, Mr. Special Adviser, if you foresaw it earlier this week, you saw it earlier than I did.

Le Duc Tho: [laughs] Because I have got ample experience with you.

Kissinger: I have to say one other thing.

Le Duc Tho: You are the author of these things, therefore it is clear in your mind!

Kissinger: I have heard a lot of accusations from the Special Adviser over four years. But when I make a statement of fact to the Special Adviser and I am in effect accused of lying, it will be impossible for us to continue to negotiate in these conditions, and we should do it no further.

Le Duc Tho: But you have created the situation; it is not me.

Kissinger: I have explained the circumstances to the Special Adviser, and will not go through it another time. It is up to him to see if he believes that I have had nothing to do for the last two weeks but to go through these detailed negotiations and invent a situation . . . I have no desire to discuss it further. I will not discuss it further. We have an objective difficulty which is as surprising to us as it was to you.

Le Duc Tho: But my interpretation differs from your interpretation of the fact. It is our respective thinking. But if that is the situation you should have told me from the beginning.

Kissinger: I had no reason to suppose what I told you would happen. If I had any reason to doubt that we could not complete this week, I would not have come over here.

Le Duc Tho: We have been negotiating for a long time and we had understood each other very well. Therefore everything you wanted to tell me, you should tell me the truth, and also whatever I wanted to tell you, I should tell you the truth. It is not now similar to the beginning of our negotiations. You should have told me from the very beginning that it may happen, such-and-such things, and would take such-and-such time. And I would never have complained.

Kissinger: If I had foreseen it. We started proposing an appeal, and Saigon objected. We then proposed a two-party and a four-party document and thought we had solved the difficulty. Then Ambassador Sullivan was in Saigon and we communicated to you the procedure was acceptable. It was only yesterday after our meeting, that I learned of the difficulties in Saigon. We failed to overcome them, even after a direct appeal from the President to President Thieu. And we are even now engaged in other discussions in Saigon. You can believe it or not believe it. This is the fact.

We gave you the paper that they gave us for the signatures. These were the facts. They are the realities which we now face which we did not invent. If we had not wanted an agreement we had ten practical reasons on which to hang it up. We told you the exact truth and we are telling you the exact truth now.

Le Duc Tho: We have been negotiating for a long time and therefore we must understand each other and we must stick to our promises.

You told us I often complain and blamed you, but you don't keep your promises, and that is why I complain. Otherwise I don't. If you don't promise then I have nothing to complain about. If you don't make a promise and I blame you, then I am wrong. My complaint is justified and you create the circumstances for my blame. I wanted to negotiate with an open heart and good will and settle the problem. You interrupt the work of the Joint Economic Commission and the mine-clearing and continue the aerial reconnaissance, and bomb South Vietnam again, but when you propose meetings to come to settle the problem, and while these actions were taken by your side, we did not prevent the work of the Joint Military Teams on the graves. We do not want to. Therefore when I come here it was with good will and desire to settle the problem. And after a few days of negotiations we have settled many problems. Then Ambassador Sullivan had to go to Saigon. I agreed to await his going to Saigon. Then when he returned he had agreed on everything. You proposed two to three schedules and I agreed to all of them. I never objected to any propositions. You changed three times and I never objected. But finally you change everything, the way of signing. So you do not want a solution. If you were in my position . . .

Kissinger: If I were in your position I would have two choices: I would either believe what I have been told or keep repeating over and over again what you seem to be doing. If we don't want a settlement, I would say so. If we don't want a settlement, we wouldn't negotiate an agreement to wind up with no settlement.

Le Duc Tho: Previously there was once when everything had been agreed to and finally you did not accept it. It is now the second time. So you say that I am complaining against you. But if I had done such a thing you would have been doing the same. I would have accepted your criticism.

Kissinger: I am not going to waste my time about what I would do in your situation, or what I would not do. In any case let us not continue this discussion. Let's talk concretely.

We will meet tomorrow at three o'clock.

Le Duc Tho: I agree.

Kissinger: At Gif.

Le Duc Tho: I agree.

Kissinger: We will tell the press now only that we meet at three o'clock at Gif. We will make no other comments, hints, leaks or enigmatic statements, or jokes.

Le Duc Tho: When I promise it to you, I will stick to you, I will say nothing.

Kissinger: How about the porte-parole here?

Le Duc Tho: He will do the same as I do.

Kissinger: All right. This is our understanding. If we tomorrow come to an agreement—there are two possibilities: One is subject to our control, the reaction of the President to the Cambodia understanding, and the other is not in our control, namely Saigon. Then we will proceed on Saturday. Then we will have to moderate our comments until Saturday, when we meet in a spirit of conciliation and concord. If we don't agree—if Saigon refuses to agree—then each side will be free to give its explanation for the difficulties.

Le Duc Tho: Of course. Each side is free to give its reactions if we cannot settle.

Kissinger: I know the Special Adviser will be heartbreaking. But let us discuss that contingency at three o'clock tomorrow afternoon if it arises.

Le Duc Tho: I agree. The first possibility, then I will do what has been agreed to between us; then the second possibility is there is no solution, then we will be free to make any statements we like. Before we leave I will shake your hands. [Laughter]

Kissinger: And I will watch your other one! [Laughter] I will watch your other hand. All right. We will meet at three o'clock at Gif.

[The meeting then ended.]

65. Memorandum of Conversation¹

Paris, June 9, 1973, noon–2:40 p.m.

PARTICIPANTS

Le Duc Tho, Representative of the Government of the DRV
 Nguyen Co Thach, Vice Minister for Foreign Affairs
 Phan Hien, Ministry of Foreign Affairs
 Colonel Hoang Hoa
 Dang Nghiem Bai, Ministry of Foreign Affairs
 Pham Ngac
 Tran Quang Co

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 124, Country Files, Far East, Vietnam Negotiations, Camp David Memoranda, Joint Communiqué May–June 1973 [3 of 3]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at 108 Avenue du Général Leclerc in Gif-sur-Yvette. All brackets are in the original.

Nguyen Dinh Phuong, Interpreter
Notetaker

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
Mr. Ronald L. Ziegler, Press Secretary to the President

Ambassador William H. Sullivan, Deputy Assistant Secretary of State for East
Asian and Pacific Affairs, Ambassador-designate to the Philippines
Ambassador Graham A. Martin, Ambassador-designate to the Republic of Viet-
Nam

Mr. George H. Aldrich, Deputy Legal Adviser, Department of State
Mr. Lawrence S. Eagleburger, Deputy to the Assistant to the President for
National Security Operations

Mr. William L. Stearman, NSC Staff

Mr. Peter W. Rodman, NSC Staff

Mr. Richard S. Thompson, Department of State, Interpreter

Miss Irene G. Derus, NSC Secretary

Kissinger: I think, Mr. Special Adviser, we should not take Mr. Ziegler along anymore. Nothing has gone right.

Le Duc Tho: The journalists are waiting for Mr. Ziegler.

Dr. Kissinger: Instead they always get Mr. Thach. Should I start or would you like to start, Mr. Special Adviser?

Le Duc Tho: It is up to you who starts.

Kissinger: Well, I see you have something written down.

Le Duc Tho: I have written down that there are two possibilities.
[Laughter]

Kissinger: Maybe I should talk first because I am the guest, and because I know the Special Adviser will speak last in any event.

Le Duc Tho: You have guessed right!

Kissinger: And shall we proclaim a non-aggression treaty before we start and conduct our conversation in a calm manner today?

All right, let me speak first, then.

We face a very difficult and very regrettable situation, in the sense that Saigon has refused to sign the document as it stands despite three personal appeals from the President.

Now you have two choices in thinking about this. The first choice is to think that this is a plot. The second is that we now have a common problem. I cannot deal with the first possibility, so let me deal with the second.

I say you and we have now a common problem and the problem is as follows: You and we have agreed on a communiqué. We maintain the text of this communiqué, and unlike October we are not asking now for changes in the text of the communiqué. So we are not supporting the request for changes. Now on this analysis, we have four possibilities before us. Let me present to you the pros and cons of these four possibilities as I see them. And you can . . . you will, of course, make your own decision.

The first choice is that both of us accept the changes recommended by Saigon. I repeat, I am not asking for these changes. I am simply presenting them. In effect what Saigon wants is to substitute for the political articles; that is to say, for Article 9 of the communiqué, the entire text of Chapter IV of the Agreement. And secondly, they want to delete—I repeat, I am presenting it, I am not asking for it.

Le Duc Tho: But please repeat.

Kissinger: They would like to substitute for the political articles of our communiqué, that is to say for Articles 9 and 10, the entire text of Chapter IV of the Ceasefire Agreement. You see we are already quoting Article 11 and Article 13. They also want to quote Articles 9 and 10 and 12. They want to quote the entire Chapter IV.

And secondly, they want to delete from paragraph 11(b) the references to “areas controlled” by each of the sides and leave it up to the two sides to determine the location of the teams. I will give you the text they want. Simply for intellectual completeness. So that you have the full picture. It reads as follows: “Pending an agreement on their definite location, the headquarters of the Regional Two-Party Joint Military Commission and the teams of the Joint Military Commission shall be located close to their present sites and close to the headquarters and teams of the ICCS. Once the delineation of the areas of control and modalities of stationing of the two South Vietnamese parties has been determined in accordance with Article 3(b) of the Agreement, the Two-Party Joint Military Commission shall agree on definite locations for its teams.”

Those are the major changes requested by Saigon. They would make possible a rapid signing. No, I am not asking you—let me present the four possibilities. I have told you we are not asking for it; we are presenting it.

The second possibility is that you and we make this a joint communiqué between the DRV and the United States, with a joint appeal to the parties that they should adhere to it. The communiqué could then be signed or unsigned, and we would undertake to see to the observance of the provisions. The advantages would be that our positions would have been made clear. The disadvantages are that we would not have a four-party signature, which we had requested.

Let me give you possibility three—and of course the advantage of the second course is that all the provisions of the agreement would go into effect immediately.

Possibility 3: We initial the communiqué today. We announce we have reached agreement in substance but we announce that we have recessed to permit the solution of some procedural difficulties. In that case, we would attempt to change the situation with respect to Saigon

and remain silent in the meantime. We would be in touch with each other and accomplish the solution of the procedural difficulties in the most rapid time possible.

Solution 4 is that we simply recess the talks, without any agreement and without any commitment.

We are willing to follow any of these possibilities. We regret this totally unexpected turn of events. Our willingness to commit ourselves publicly to this document now and to initial it proves our good faith. We are asking nothing additional from you and, therefore, there is no question of pressure. And we will not ask anything additional of you.

So this is the difficulty we now face for which I would like to express our regret. I don't know whether the Special Adviser wants a brief recess to consider this problem.

Le Duc Tho: I can answer you immediately.

Kissinger: And of course I am willing to listen to any other possibilities.

Le Duc Tho: There is only one possibility for me. Therefore, I can answer you immediately without any further thinking because we have foreseen all possibilities. I am not surprised by any possibility. I have prepared documents to speak to the press, frankly speaking. I have prepared for all possibilities. But why there is such procrastination by the Saigon people and you support it.

I received information this morning that Saigon launched an offensive on June 6 against Binh Long and Dinh Thuong. They mobilized the 5th Division; they bombed and used artillery fire and they fight very energetically and they prepare to launch an attack against Route 13. Therefore the Saigon Administration wants some prolongation, with your support. Therefore I tell you this, that if they launch an offensive in this area we will attack another point. They attack this point; we attack another point. We will not let ourselves be in a passive position by these attacks. If they want to prolong these talks to carry out this plan, this will not do.

Now regarding the four possibilities you have raised, our view is as follows: We only accept this one possibility. It will be as follows: Now you and I will initial the document that we have agreed upon, both two-party version and four-party version. Now because we still have two holidays before us, Sunday and Monday will be holidays, then Tuesday will be the official signing—the two-party signing and the four-party signing. And now we should initial the document and announce the fact and announce on what day and at what time the document will be officially signed. Besides this possibility we will accept no other possibility, and if you disagree to the possibility I have just presented to you, then we will have to interrupt our talks. And

the possibility I have depicted to you is the possibility you proposed yesterday. If now this possibility proves to be impossible, then we will interrupt the talks.

So this is my brief statement I have to make to you. Because in my view all the problems have been settled between us; there is nothing left, so there is only this one possibility. I don't know any other possibility, because everything has been agreed to and if more changes are to be brought about, it is impossible. The two changes that you propose to the content of the joint communiqué and to the way of signing, it is tantamount to changes in our agreement. If so, you have driven the situation to a point where I don't see any other way out.

Ambassador Sullivan went to Saigon and on his return we have settled those changes with you already. Now more changes are made, so to what end? So all the possibilities you propose are wrong, and we firmly refuse it. We have come here with good will and the desire to settle the problem, but you have not shown such an attitude of good will.

I have this brief statement to make and I have said it very calmly. I have patiently listened to the presentation of Mr. Adviser about the possibilities. Because, you see, the purpose of the meeting here is, we have to review the implementation of the Agreement and to find out measures to be taken to insure strict implementation of the Agreement. So we have been talking very roughly, for one month now. We, you and I, have 9 days of private meetings, 5 days of meetings between the experts. If you review the joint communiqué, it is similar to the Agreement; it is nothing different from the Agreement and the protocols. There is only a number of time limits for implementation. And that work has taken so long a period to achieve. I frankly tell you, Mr. Adviser, that even if now you agree with me to have the document signed this time, I am not very glad, because there is no major problems and it has taken us so long.

Now we are faced with one problem—both of us. Whether we will insure strict implementation of the Agreement to engage in the path of normalization of our relationship and to direct ourselves toward peace, or shall we continue the war? The other day Mr. Adviser said that we should base our normalization of relationship on the strict implementation of the Agreement, and I agree with him. If both of us agree to that course of action, then we should act quickly. There is no need for such procrastination. I can tell you that even if you further prolong these talks, the situation will not change. I have enough patience and energy to talk with you. You can prolong these talks years after years, and I am prepared to do that with you. But the thing is that we should come to a solution.

What is the purpose of this prolongation? No solution will be brought about, the situation will not change, and we have understood

each other very well. The move you are just playing, I have understood that. Therefore, so it is up to you whether you want a settlement or not. So if you want a settlement in the way you have depicted the other day, it is up to you, because we have been talking with each other so long we have a rather long negotiation, we have understood each other's views. I don't deceive you, Mr. Adviser. Even the understandings we had with each other, we have never broken them. Besides the Paris Agreement, we had with you an understanding on Laos, on American prisoners in Laos, and we have settled this question with the agreement of our allies. But the many understandings you have with me you have not responded to it.

Now the Agreement is being violated. The Saigon people continue the fighting and we will continue the fighting, because they do not want peace. What shall we do now? We have foreseen the eventuality of reaching no solution, no settlement with you. Now if we can't come to a settlement this time, what the situation will be? There will be two possibilities. If a settlement is reached now, then we will engage in a way of normalization more rapidly, in our mutual interest. And, on the contrary, if no solution is possible, then we have envisaged what violations you can come to and what action you can take against us. I have thought about it. First, you will carry out again aerial reconnaissance over the DRV and then we have to counteract these activities by fighting back. We have no other alternative, because our country is a sovereign one, and if foreign airplanes intrude into our air space we have the right to fight back. Actually I have also thought that if no settlement is reached here you will continue to delay the mine clearing operations. But frankly, I tell you, and the other day I told you already, that every channel is accessible because we let our ships, our boats go on these channels and let the mines explode. Some of them may be sacrificed but other ships will follow safely. We have done that. Please think of the Ho Chi Minh Trail. You have dropped millions of tons of bombs, but the trucks continue. The same for the mines on our rivers and waterways. The third action you can take is that on the economic questions you will not carry out your obligations under this article of the Agreement. And you should have done that. We are going to demand that from you.

Kissinger: You are getting away again, Mr. Special Adviser.

Le Duc Tho: You have to carry these out. Let me finish, because this is what we envisage. Vietnam is a poor country indeed, but we are a poor country, but we are a hardworking people. We have our two hands to let us. Without your contribution we have assistance from elsewhere. As human beings we have to find out ways to live on. It is our desire to have normal relations with you but you are unwilling to do that, then we have another course to take. We have to

live on. And now as regarding South Vietnam, we do want peace in South Vietnam, but if the Saigon people want the fighting then we will fight. Because when you brought in a half million American troops, we got to fight you. Now if the Saigon forces want to fight them, we are prepared to cope with them. We appealed to them to observe the ceasefire and we appealed to them to adopt peace, but they are unwilling.

So I have foreseen those eventualities. If we come to reach a solution, but what other course of action can we take? You do not want to agree with me. It is the only course left to me. So you have presented a number of possibilities to me, therefore I do want also to present to you a number of possibilities in our mind. I do not want that this situation will happen, but it does not depend on me only. But since you are unwilling to do it, how can we do it? So I have finished my views, Mr. Adviser. I have told them to you in openness and frankness.

Kissinger: Mr. Special Adviser, we have been meeting together for four years and there has been a certain inequality in our relationship. It is an inequality produced by the fact that I have listened with some patience to accusations about our good faith while I have never made accusations about your good faith.

Le Duc Tho: You have the right to make comments.

Kissinger: I appreciate the sincerity of the Special Adviser granting me this right.

Le Duc Tho: So we are fully equal, and whatever views I express, you have the right to comment.

Kissinger: Which I am doing if he doesn't interrupt me.

Now at a time in which we have many other problems I have come here twice for an extended period, to settle with you the problem of normalization of relations between us and the implementation of the Agreement. It takes a particular complexity of intellect to assume that I would spend nine days in discussions with the Special Adviser, that Ambassador Sullivan would talk for five days with Minister Thach, that Ambassador Sullivan would be sent around the world, and that we interrupt a great deal of our other activities, only to tell you on the last day that we are meeting insuperable difficulties. If we had wanted to procrastinate we could have followed the model of the Special Adviser in December and prolonged the negotiations earlier this week when Mr. Thach and Ambassador Sullivan were discussing the document. It would have been very easy to do it then. After all, the Special Adviser managed to hang us up for 12 days in December on three clauses, and I have learned a little bit from him.

Secondly, I must say it is a particular form of insolence to maintain that you have no influence on your allies in Cambodia, representing

maybe 40,000, with an army of maybe 40,000 people, and with a special concern for their sovereignty, while we have an unlimited influence on a country of 17 million with much larger armed forces, and to be accused that we are plotting all their actions. It is absurd to argue that you have kept all the agreements and all the understandings when the meeting was requested by us precisely because the implementation of the Agreement with respect to Articles 7, 15, 20 and many others, was grossly deficient. We are willing to remedy the deficiencies that you complain about, but if you tell us that you are going to observe the Agreement in the future the way you observed it in the past, then we have very little incentive to do anything with you.

So now we have reached a difficult point, which we did not seek. Its consequences can be what you describe, or maybe we can think of some others. But the consequence we most would want is to normalize our relations and to bring about an implementation of the Agreement. We are not procrastinating for any offensives. We are not procrastinating at all.

This is my answer to what you have said, and now I would like to consult with my colleagues about what precise answer to give to your concrete proposition. I recommend we take a 10 minute break.

Le Duc Tho: Please let me speak a few words to answer you. It is equality between us.

Kissinger: But you have spoken twice already!

Le Duc Tho: But since you have spoken I have to reply.

Kissinger: Please go ahead.

Le Duc Tho: You said you got experience in December, but myself I have got ample experience from you and I don't think it necessary to recall all these experiences. And when our relations are normalized and when you have gone out of the Administration, I will speak to you about this, to give you some things to think over and to write your books, as you like. The fact in December is that we don't want to prolong. What is the reason for our desire to prolong these? For you to bring B-52s in to bomb our country? We foresaw it that time, the possibilities. We knew that when no settlement is reached, then always you follow it up by military pressure. This is the experience we got throughout 7 years of negotiations with you. Therefore, this is not a surprise.

Kissinger: It only seems like seven; it is actually only four.

Le Duc Tho: [Laughs] Therefore we were prepared when your planes came; we were prepared to fight them back. But it is not for prolongation to have these bombs. But as I told you then, there were problems. I had to return and exchange views with our leaders. Before I left I very frankly told you that.

As to the accusation that we violated the Agreement, I don't accept that. The fact is that in order to have an agreement implemented, both sides have to implement the agreement. If one side doesn't respect and implement the agreement, there is no obligation for the other side to implement it. Therefore, in the future if we want the Agreement to be strictly implemented, then both sides have to respect strictly the Agreement. So it is my wish that we will have the Agreement strictly implemented and leading towards the normalization of our relationship. It is a correct and a wise orientation. We are prepared to adopt this course of action. But it is up to you.

I propose now a break for you to exchange views with your colleagues.

Kissinger: Could I ask one clarifying question, so I can prepare for all eventualities? What does the Special Adviser mean by interrupting the talk?

Le Duc Tho: When I say interrupt the negotiations, it means that if we can't reach a settlement now then we will have to stop this series of negotiations. This series of negotiations are considered to be concluded. We have to say goodbye and to leave.

Kissinger: And what will we say?

Le Duc Tho: I will make such statements as we deem it necessary, and you will do the same. Because we can't settle the problem now. Because it is our desire to reach a settlement and I have come here, but you are not willing to sign the points we have agreed to, and now so many changes you propose.

Kissinger: Well, Mr. Special Adviser, I am sure you will speak of me with the affection you feel for me.

Le Duc Tho: I will say nothing regarding you personally. Since we begin negotiations I have never spoken anything regarding you personally.

Kissinger: I have only spoken favorably of the Special Adviser. He has become a big star in America through me. Why don't we make a joint statement blaming Sullivan and Thach? [Laughter]

Le Duc Tho: And even whenever our press or our radio say some things inappropriate in your regard, then I instructed them to stop.

Kissinger: But you always put a time limit on it.

Le Duc Tho: It is something worthy of remembering in our five years of negotiations.

Kissinger: Four. It seems like five but it is only four. All right.

Le Duc Tho: But if we count from the day you met Mr. Mai Van Bo.

Kissinger: True. Then it is six. All right. Let us take a brief break. Should Minister Thach join our deliberations? Sullivan never makes a move without Thach.

[The meeting broke at 12:53 and resumed at 1:22 p.m.]

Kissinger: Were you listening in with your earphones to our conversations? We were trying to speak into that lamp.

Le Duc Tho: We don't do that. Technically we are not in a position to do that. We only listened by our ears.

Kissinger: But the French Communist Party is willing to do this. I think they can give you technical assistance.

Le Duc Tho: I have listened directly from you!

Kissinger: Mr. Adviser, my colleagues and I have considered your proposal and here is our suggestion.

The only possibility for a chance of a signature on Tuesday is to follow the procedure which I will now suggest to you. We are prepared to initial the document now, both the two- and the four-party document. We are prepared to state publicly that we have agreed in substance and that only some procedural questions remain. And we will announce that Minister Thach and Ambassador Sullivan will meet at 4 o'clock on Monday to resolve these procedural difficulties. We will in the interval make another massive effort in Saigon to obtain their agreement to sign on Tuesday. This effort will certainly fail if we announce today that we will sign on Tuesday.

Ambassador Sullivan will tell you at 4 o'clock on Monday whether our effort has succeeded or not. If our effort fails, you have our initialed document and we recognize that you will interrupt the negotiations. But if you want a signature and not a propaganda effort, then you must let us inform Saigon that we have initialed the document and you must give us 48 hours to bring about the agreement for the signature. But, I repeat, I am prepared to initial both the two- and four-party document now. That is the utmost of good will that I can show. Because that is the only thing within my capabilities for today.

Le Duc Tho: Your proposal sounds a little complicated and tortuous. It tends to prolong. But we have agreed on everything. Ambassador Sullivan went to Saigon already, so why is there such a prolongation? It can be said definitely that the proposed modifications by Saigon we will not accept.

Kissinger: We are not asking for modifications. We are prepared to initial the document as it now stands.

Le Duc Tho: Therefore, what is the purpose of the meeting between Ambassador Sullivan and Minister Thach Monday?

Kissinger: So that we can inform you officially of whether it is possible to have a signing on Tuesday, and to work out the procedures for the signing. There is nothing further to discuss and nothing will be discussed.

Le Duc Tho: But you have been asking the Saigon people about their views for the last few days, and yesterday Ambassador Sullivan told Minister Thach that you were waiting the answer from Saigon.

Kissinger: That is correct.

Le Duc Tho: And you have a great deal of means of communication.

Kissinger: True. But the only possibility is that if we inform Saigon that we initialed the agreement and they know no changes are possible, and if Saigon knows you have an initialed document from us, they may decide not to stand alone.

Le Duc Tho: I find it difficult to understand that there has been so much exchanges of views between you and Saigon and why now these exchanges of views are not completed. And you have permanent liaisons with Saigon. Yesterday Hoang Duc Nha made a statement in Saigon.

Kissinger: Who made the statement?

Le Duc Tho: Hoang Duc Nha.

Kissinger: My friend. You and he should get together. He thinks I am even more devious than you do. What was the statement? I haven't seen it.

Le Duc Tho: Hoang Duc Nha said that the Saigon Administration was prepared to sign a document agreed upon by Dr. Kissinger and Le Duc Tho, and he has been following very closely the negotiations between us daily. So at the same time Hoang Duc Nha denies the previous statement of the Saigon press.

Kissinger: Look, Mr. Special Adviser, it is senseless to debate this. Mr. Nha made this statement in order to retract the statement they made Thursday. What it means is they will sign the document if you make these changes. I tell you now, if you can produce Saigon to sign this document you are welcome to try it. I can tell you that we received this morning the official answer from President Thieu to President Nixon's refusing to sign it. Now you have to decide whether you can give us 48 hours to change their mind, in return for our initialing the document and publicly committing ourselves to it. But we cannot announce the fact of initialing until after we have met on Monday, so that then you can do with it what you want. And since you have in any event proposed to sign on Tuesday, it involves no delay in signing. Either we tell you Monday at 4 that we can sign or we can't. If we can, we will sign on Tuesday. There will be no further requests for delay in signature.

Le Duc Tho: Yesterday Ambassador Sullivan told Minister Thach that today, this morning, he would inform us whether Saigon can accept to sign or not, or whether the signature will take place on Tuesday or not, and today you repeat also the same postponement.

Kissinger: No, I am making a different proposal. I am telling you what has happened. I am telling you we will make one more effort, and as a sign of our good will I am offering to initial the document, which is something Sullivan did not do yesterday. If you want to break up on this issue, you can break up on this issue. We are at the limit of our capability. We are willing to initial the document, to tell Saigon that at the President's instructions they have until Monday afternoon to decide whether they will sign on Tuesday and if they don't, you will make statements appropriate to the occasion and we will make statements appropriate to the occasion.

Let me be precise. We received the answer from Saigon this morning. The answer was negative unless we made changes. And maybe Saigon believes that since we have made a few delays and since we have not initialed the document that then changes are possible. If now we initial the document, it is possible Saigon will believe it is no longer possible to change the document. I can not promise you they will sign it, but I can promise you I will initial the document today, both the two- and the four-party. If you wish to reject it, you reject it.

Le Duc Tho: Let me speak a few words and we shall have a break. Let me ask you this question, Mr. Adviser. If now you and I initial the document, can you assure me that after the initialing there will be no further change to the document?

Kissinger: I can.

Le Duc Tho: If now after the initialing there will be new proposals for changes, what is the use of initialing? And, if after the initialing there will be new proposals of changes and there will be no official signature, then what is the use of initialing? Because everything, according to you, depends on Saigon. Then your signature and my signature have no value at all, just like a promise only. And then you will say that Saigon disagreed with you. And then what we will say to the press will be a lie. It is a fact.

Kissinger: Mr. Special Adviser, if we initial the document we are saying to you we don't ask for further changes and that we are prepared to sign the document as it stands. That is the legal significance of an initialing. And if we follow your procedure of initialing and announcing that we will sign on Tuesday, it still doesn't mean anything because if Saigon refuses to sign, we still won't be able to sign. So we are prepared to initial and thereby give you our promise that no further changes will be sought by us, and that the only subject to be discussed by Sullivan and Thach is either informing you that Saigon still refuses to sign or informing you that Saigon has agreed to sign, in which case the only thing to discuss is the procedural matters of the signing ceremony and whatever has to be done to the document to make it legal.

Le Duc Tho: Let me speak one more sentence. It appears that Saigon is leading you now and you are not leading Saigon. It is some reverse logic, contrary to the facts.

Kissinger: Mr. Special Adviser, I have given you the reality. Now you can act on the basis of abstract theory or you can believe my reality. The worst that happens as a result of our procedure is a delay of 48 hours. If we now step out and say we will sign, then we can't sign. We have given you the procedure that in our judgement is the only possibility that there can be a signature on Tuesday. If we follow your procedure, it involves the same time period but with no assurance that anything will be signed. We have done it in the knowledge that if we initial this document and joint communiqué, you have our initial to make the situation more complicated. Now if you want to make abstract speeches on the relationship between Saigon and Washington, then I will only say that at least we are being led by a more formidable force than the Cambodian insurgents.

Le Duc Tho: [Shaking his finger] The two relationships are different, the relationship between you and Saigon and the relationship between we and our allies. But we should not debate this.

Kissinger: It is fruitless to debate this. We are in a dilemma. Whether you believe it or not is entirely up to you. I do not enjoy the position in which I find myself. We are now at an impasse in which we have offered you what is in our judgement the only possible way to obtain a signature. And I must tell you honestly—I don't want to mislead you—I do not think the chances are excellent. But it is the only chance we have.

Le Duc Tho: I propose a 15-minute break and then we shall come to a rapid decision.

Kissinger: Can you turn the microphones the other way for that purpose, so we can hear your discussions?

[The meeting broke at 1:50 and resumed at 2:07 p.m.]

Le Duc Tho: I have a brief statement. I don't believe that there is differences between you and Saigon. Even if there is some differences to some extent, Saigon is in your hands. The Paris Agreement was much more difficult, but Saigon had to follow you. Now the joint communiqué has the same content as in the Agreement and the protocols.

But since you have made this proposal I would accept 48 hours delay and to have until Monday to persuade Saigon. And we don't need an initialing now. And then on Monday Ambassador Sullivan will meet Minister Thach on Monday, and then we will do both the initialing and the signature on Tuesday. So Ambassador Sullivan and Minister Thach will meet on Monday again and if the signing is possible

on the 12th, then you will come on that day for both the initialing and the official signature. And now as to the statement to the press, I will say nothing now. I will only say that now the meeting is postponed until Monday when Ambassador Sullivan and Minister Thach meet again. So we will make only such brief statement to the press. We will not say anything about the result of our talks.

Kissinger: Let me make a suggestion. I think you have made a very reasonable proposal. However, because of the visit of Brezhnev I have to go back to the United States tonight and it is very difficult for me to say absolutely nothing. So I would propose that I would say that Ambassador Sullivan and Minister Thach are meeting on Monday to work out the remaining procedural matters. And the reason is that if we have many stories of substantive differences it will encourage Saigon to be obstinate, and it is better not to create the impression in Saigon since we have already delayed twice. Now you have to believe me for the next 48 hours, at least provisionally. It is best for us to adopt a procedure that is the best for us to get the agreement of Saigon. The best situation for Saigon is to believe that there is a very substantial disagreement between you and me; then if the negotiations break up we will be again in the situation of October. The best situation is to leave the impression that there is no substantial difference between us, so that if the negotiations fail, it will be clearly Saigon's fault. To us it makes no great difference, but I am looking now for the way which would be most likely to be successful.

Le Duc Tho: Here I would like to say that we should not deceive public opinion. When you left last time I agree to your statement because really we made progress, but now the obstacles is from Saigon because they proposed so many changes. So in two days time there will be two possibilities. It may be that you and I will sign the document, initial and officially sign the documents on June 12. It may be that we cannot come to an agreement that on Monday Ambassador Sullivan and Minister Thach meet again and don't come to any agreement, and then we have to interrupt the talks.

Since everything has been agreed to, therefore I think the 48-hour delay is the limit because we have agreed on everything already. It is enough time for you to exchange views with Saigon. So when Ambassador Sullivan meets Minister Thach again, then there will remain two possibilities: Either Saigon will agree or they will not. So I suggest that we will announce that Ambassador Sullivan and Minister Thach will meet again on Monday. It is adequate. No need to add anything less and no need to say that they discuss the procedural matters.

Kissinger: All right.

Le Duc Tho: So we will just make this sentence of the statement: "Ambassador Sullivan and Minister Thach will meet again on Mon-

day.” If you will say that you will return here on Tuesday it is better, but if you don’t make this statement of your return, it is all right. I agree that there will be 48 hours delay for your exchanging your views with Saigon.

Kissinger: Why don’t we . . .

Le Duc Tho: And if you say anything else I will deny it. [Laughter] Because you raise too many matters of difference this time. Last time we agreed on everything; now you raise too many new matters and if you say there is not anything left it is not true.

Kissinger: Well, then Sullivan can raise a few points again. No, that is all right. Can we interrupt another five minutes? I would like to consult with my colleagues. It is mostly practical details. I accept what you are proposing. First, you accept the delay of 48 hours. I do believe that we have provisionally agreed, but let me consult with my colleagues and see what the procedure will be. Let us interrupt for five minutes. Can I say we are not meeting tomorrow so that you can observe Pentecost?

Le Duc Tho: But if I will observe Pentecost, as you propose, I will say that I will break off to have peace. We don’t want a war. Is that all right?

Kissinger: That is all right. I won’t deny that.

[The meeting broke at 2:20 and reconvened at 2:32 p.m.]

Le Duc Tho: So have you found out any other strategems so we can sign everything now?

Kissinger: I wish I was as devious as the Special Adviser thinks I am.

Le Duc Tho: The Special Adviser has many more maneuvers than I.

Kissinger: I once said to the press that I have unified Vietnam in a common distrust of me. Saigon is convinced that I am plotting against them with the Special Adviser; you are convinced that I am plotting with Saigon against you.

Le Duc Tho: Which is right and which is wrong then?

Kissinger: Can 40 million Vietnamese be wrong? [Laughter]

Mr. Special Adviser, I agree to the proposal that you have made. I shall leave tonight. At the airport I plan to say the following: “I am returning to Washington because of some matters connected with the visit of Brezhnev that require my attention. In the meantime, Ambassador Sullivan and Minister Thach will continue the discussion. I plan to return to Paris on Tuesday.” That is all I will say. And I will answer no questions and make no comment.

Le Duc Tho: I agree with you.

Kissinger: And let me urge that both sides take special care not to let out any information about the substance.

Le Duc Tho: We will never do that.

Kissinger: I saw that my friend, Jonathan Randal had something about the substance of the agreement today, which he didn't get from us. You can be sure that nobody in this Administration speaks to the *Washington Post*!

Le Duc Tho: The press in Washington and in Saigon have spoken on many points in the joint communiqué. I don't know where the leaks come from, but from our side no one has said anything.

Kissinger: You have been very careful, I agree. No, I am not complaining.

Le Duc Tho: You have to admit that.

Kissinger: I agree. I hate to think what would happen to these talks if the Special Adviser and I didn't like each other so much, we might accuse each other of bad faith.

Le Duc Tho: If no settlement is possible, I think it is evident that there is lack of good faith.

Kissinger: Shall we call the French and tell them there will be no signing today at Avenue Kleber?

Le Duc Tho: You should inform the French.

Kissinger: We will. Well, we are here so why don't you do it? Why don't you do it on behalf of both of us? You see, Minister Thach becomes a new man when he can be porte-parole for both sides.

Le Duc Tho: So everything is done now. I propose we shift to the dining room and we consider that we have adjourned today. I told you the other day, settlement or no settlement, I will shake your hand when you leave. I will stick to my word.

Kissinger: And I will watch your other hand. I will stick to my word also.

Le Duc Tho: It is always my hand.

[The meeting adjourned at 2:40 p.m. Everyone moved to the dining room for lunch.]

66. Memorandum of Conversation¹

Paris, June 12, 1973, 12:40–4:45 p.m.

PARTICIPANTS

Le Duc Tho, Representative of the Government of the DRV
Nguyen Co Thach, Vice Minister for Foreign Affairs
Phan Hien, Ministry of Foreign Affairs
Colonel Hoang Hoa
Dang Nghiem Bai, Ministry of Foreign Affairs
Pham Ngac
Tran Quang Co
Nguyen Dinh Phuong, Interpreter
Notetaker

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
Ambassador William H. Sullivan, Deputy Assistant Secretary of State for East
Asian and Pacific Affairs, Ambassador-designate to the Philippines
Mr. George H. Aldrich, Deputy Legal Adviser, Department of State
Mr. Lawrence S. Eagleburger, Deputy to the Assistant to the President for
National Security Operations
Mr. Peter W. Rodman, NSC Staff
Mr. Richard S. Thompson, Department of State, Interpreter
Mrs. Bonnie Andrews, NSC Secretary

[The Vietnamese arrived at 12:25. After brief conversation in the living room the formal meeting convened at 12:37.]

Le Duc Tho: Please go ahead, Mr. Adviser.

Mr. Kissinger: Mr. Special Adviser, when I entered the plane last night in the United States I expected to have a brief visit, to initial, and to have two signing ceremonies. I have come here—I have crossed the Atlantic twice in the last 48 hours—because I believe implementation of the cease-fire in Vietnam should be one of the principal objectives of our countries. I have come here also because I believe that the normalization of relations between our two peoples is one of the principal goals of our foreign policy. And in the 36 hours that I spent in Washington I spent almost my entire time to remove the difficulties that I presented to you on Saturday. When I left yesterday I thought that they had been substantially removed. And if I had not thought this, I would not have come here in this week when really all my time should be occupied with preparations for the forthcoming visit of the General Secretary of the Soviet Union.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 124, Country Files, Far East, Vietnam Negotiations, Camp David Memoranda, Joint Communiqué May–June 1973 [3 of 3]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at La Fontaine au Blanc, St. Nom la Bretèche. All brackets are in the original.

Just one hour outside of Paris I was informed that difficulties still remain.

Now you and I have worked together for many years, Mr. Special Adviser. You have not exactly been distinguished by confidence in my word. But you have also told me that a correct assessment of the situation is essential. I tell you now that for once you should accept the fact that we are as much surprised by this turn of events as you are.

Now let me present to you what the proposal is that Saigon has made to us.

They would like to quote Article 9(b) between Article 8 and Article 9. Prior to paragraph 9 they would like to quote Article 9(b). [The Vietnamese confer.] Secondly, in paragraph 11(b) they would like the following. Where it says "where an area controlled by one of them adjoins an area controlled by the other," they propose two possibilities: either to delete the phrase or to say "where an area under the military control of one of them adjoins an area under the military control of the other." And this appears twice. The preference is to eliminate it. But either is acceptable. [They confer.] And this appears twice. The argument is there is nothing in the protocols like this. They have given us their assurance that they will sign it if these two changes are made.

Now, I would like to make the following proposal to you. If you accept these two changes, we can initial the document this afternoon at Avenue Kleber. On the occasion of the initialing I will give you a letter in which I declare that the United States will undertake to carry out its side, its obligations, of this agreement, even if for any reason we should not be able to sign tomorrow. That is to say that the United States would carry out paragraph one, paragraph 2, and paragraph 14. On the basis of initialing. Even if Saigon overnight should again change its opinion.

It is the maximum show of our goodwill that we can make. And it protects you against any further deceptions. We could at the initialing announce the signing, which I would then propose for tomorrow. If you accept this I would propose that we announce after this meeting that we will meet at 5:00 p.m. at Kleber. Without saying for what we are meeting. This gives us a chance to inform Washington and Saigon of our decision.

I regret that this situation has arisen.

Le Duc Tho: Have you finished, Mr. Adviser?

Mr. Kissinger: Yes, Mr. Special Adviser.

Le Duc Tho: Mr. Adviser, I have come here with goodwill for the purpose of reviewing the implementation of the Agreement and of finding measures to be taken to settle the question of implementing the Agreement in the best way. And since my arrival here we have been talking for nearly one month now. The private talks we have had, including the talks between the experts, amount to 16 days, and

repeatedly you proposed suspension of these meetings and we agree to that. Now for 12 days, now for 48 hours, now for 24 hours. And I always agree with you. You proposed that Ambassador Sullivan should go to Saigon for consultation with the Saigon people, and then after his return you put forward changes to the joint communiqué. And we have agreed to discuss the changes. And the Saigon people have proposed changes to the agreement twice or three times already. Yesterday Ambassador Sullivan said the United States side had rejected the proposed changes by the Saigon side, except the English word “territory” for “area.”

Mr. Kissinger: The other way around—“area” for “territory”.

Le Duc Tho: Now I tell you I completely, I totally do not accept these present proposals. The first reason is that many suspensions have been proposed and many changes have been proposed. And these two changes by Saigon contain dark schemes here. They propose to quote the provisions regarding the general elections before the provisions regarding implementation of democratic liberties. Their intention is not to implement the democratic liberties; therefore they put democratic liberties behind, after the general elections. Secondly, the paragraph dealing with the headquarters of the Two-Party JMC: The Saigon people now propose the change that the “area under the military control of one party adjoins the area under the military control of the other.” But this word “under the military control,” their intention is to deny that there are two governments, two armies, and two zones in South Vietnam. That is contrary to the Paris Agreement of January 27. And in the Agreement it is stipulated that there is delimitation of the zone of control of each party.

Now we are facing one problem. Now you and I and the two South Vietnamese parties, the PRG and the Saigon Administration, we will sign a two-party document and a four-party joint communiqué for the purpose of having better implementation of the Agreement and to advance towards our objective of normalization of relations. We wonder whether you will follow this objective or will you follow the Saigon people in requirements that we cannot accept. If the first case, then we can come to the signing of the document so that we may see the Agreement implemented, and on the basis of that we will advance towards normalization of our relations. The second possibility, should you follow the Saigon people and insist on those changes, then our talks will have to be ended. We have no other solution to adopt. Before you left last time you proposed a number of possibilities. I have clearly expressed my views already. So I have finished.

Mr. Kissinger: Mr. Special Adviser, the reason Article 9 is mentioned before democratic liberties is because it precedes democratic liberties in the text of the Agreement. Article 9 precedes Article 11(b).

And there remains in the Agreement the requirement for delimitation of zones of control, and it remains in the communiqué as well. And the deletions we are proposing do not preclude that the teams can be situated where the areas adjoin; it just doesn't mention them as one of the criteria.

But Mr. Special Adviser, I admit I did not raise these issues previously. We cannot force Saigon to sign. We are prepared to sign a two-party document. We are prepared to sign anything that is within our power to do. We are also willing to listen to any proposal you may have to avoid a breakup.

Le Duc Tho: First, what you said about the implementation of democratic liberties, the order of provisions is not true. The democratic liberties should have been implemented as soon as the Agreement, the cease-fire, came into force. And the general election is an internal matter for the two South Vietnamese parties to settle through discussions. Therefore, when you insist to present the general elections before implementation of the democratic liberties it reflects the scheme of the Saigon people, because we have known that at the conference at La Celle St. Cloud, the discussion between the two South Vietnamese parties, the Saigon side repeatedly proposed elections before the implementation of the democratic liberties.

But since we have agreed on everything, we should proceed and sign. I should point out to you that since we have an agreement we will not change. I say this to you to show you that this posing of the problems is wrong. But the point is that since we have agreed on everything then we should not change anything in the document.

Mr. Kissinger: Well, Mr. Special Adviser . . .

Le Duc Tho: Please let me add a few words.

Dr. Kissinger: I'm sorry.

Le Duc Tho: And that is, as I have said, they have put forward successive changes, and changes have been put forth in such a short interval that I have had no time to think them over. After Ambassador Sullivan returned, he had some changes. We settled some. And then on June 9 you proposed to quote the whole Chapter IV. Then yesterday Ambassador Sullivan said that now everything has been put aside and there is only one point left. Now today you propose two points more. You always allege that these are made by Saigon. But the other day I asked you whether you lead Saigon or Saigon leads you. Therefore, we definitely will not accept the changes. As to the zone of control, as I told you, the intention of Saigon is to deny the recognition of the PRG. Therefore Saigon does not want an area of control under the control of the PRG. Therefore Saigon is unwilling to accept this sentence. Therefore we will never accept such proposals. Is there any serious negotiation in which there are four or five times changes within a period of three or four days?

I have expressed my views regarding the joint communiqué. The fact that I have remained here nearly one month to negotiate with you, this is evidence of my goodwill. But my goodwill has some limits. We can't go beyond those limits. It is my desire to settle the problem with you, but how can we come to a solution with such method of negotiations? If we come to an agreement we will sign a document and we will be responsible for all the four parties in implementation of the Agreement. We cannot do that. You and I will sign and you make a statement that you will carry out the U.S. obligation to North Vietnam. That will not do. The implementation of the Agreement is the responsibility not only of the four parties signatory to the Agreement but also of all countries signatory to the Act of the International Conference.

Mr. Kissinger: Are you finished?

Le Duc Tho: Yes, I have finished.

Mr. Kissinger: Mr. Special Adviser, Article 9(b) precedes in the Agreement Article 11. And it states a general principle. It does not say that general elections must precede democratic liberties because that is an absurdity. It states the principle—it does not state the obligation—that there should be democratic elections; it does not say when. And the communiqué covers the articles in the order of their appearance in the Agreement. That is the reason for inserting Article 9(b) there. And then Article 10 (b) states clearly that after the democratic liberties, “the two South Vietnamese parties shall agree through consultations on the institutions for which the free and democratic general elections provided for in Article 9(b) of the Agreement will be held.” So it is quite clear that the sequence of implementation is that the democratic liberties have to come first.

With respect to Article 11(b), the proposal is to go back—since there is a dispute—to the precise language of the Agreement.

But, as I said to you on Saturday, if we had wanted to press these proposals earlier we would have instructed Ambassador Sullivan to do so. But we have now this difficulty. We can sign what we can sign. But we cannot make somebody else sign. We can draw our lessons from this negotiation, and we shall. But this is not the situation we face today.

Le Duc Tho: I should have told you that we will not accept any changes. First, because we have been negotiating for one month now, and secondly, that Ambassador Sullivan said yesterday that you have rejected all proposals. Now you arrive and raise three new points.

Mr. Kissinger: But the proposals that we rejected yesterday were different than the ones today. The ones yesterday were to drop Article 10 and 11—9 and 10.

Le Duc Tho: But you frequently propose changes. Yesterday you propose some; today you propose some new ones. Even three times within the last 24 hours. What is now your promise to me before you left? I have told you this on too many occasions. I can't use other words. I have to say this. I wonder whether there has been such negotiations as we have had here. You make changes in turn.

Mr. Kissinger: But I don't think anyone has had the experience of trying to negotiate with three Vietnamese parties. So I agree with you. There haven't been any negotiations like this. But there aren't many people like the Vietnamese either.

Le Duc Tho: But here the question is you yourself, no one else. I have completely rejected your proposal to have a private signing and statement by you of the obligation of the U.S.

Mr. Kissinger: I don't think the Special Adviser understands my proposal. If the Special Adviser thinks I give one damn about the phrase "areas under military control," he has a misassessment of the American . . . My proposal to the Special Adviser is as follows: That if he agrees to these changes, we will publicly initial the agreement this afternoon and we will give you a written statement, which you can publish, on behalf of the Government of the United States, that even if other objections are raised by Saigon, the U.S. will carry out its obligations under the agreement—paragraphs 1, 2, and 14—regardless of whether there is any signing tomorrow or not. It is not a private understanding; it is a formal commitment. And it is a signed document.

Le Duc Tho: Please, Mr. Special Adviser, let me speak. First, what you said about the determination of the zones of control of each party, you said that it was not your desire in the proposal. But I should recall a statement here of President Nixon that you recognized only Saigon as the sole government of South Vietnam. And thus we say that your words correspond with your actions.

Secondly, I do not accept the proposal you made. Third, we do not accept the U.S. letter to make your commitment. We only accept the agreement we have reached up to now.

Mr. Kissinger: May I point out that the delimitation of areas of control is provided for in paragraph 5 of the communiqué, and is in the Agreement, and is in no way affected by the change we are proposing.

Le Duc Tho: This I will not accept. In brief, I will not accept these two proposed changes. Yesterday Ambassador Sullivan made another statement and in less than 24 hours you have made another statement. And maybe within a few hours time there will be another change. When you made the promise to me I respected your promise, but now you have broken your promise. In spite of that when Ambassador

Sullivan returned I agreed with your proposals. Because we would have to remain here for months if there is further changes.

Mr. Kissinger: It is not worth continuing the debate. For whatever it is worth, we have a written statement from Saigon that if these two changes are made they will sign immediately. Now if this turns out to be wrong . . .

Le Duc Tho: But I have answered to you that we will not accept these changes, these two points, and we have to sign as it was.

Mr. Kissinger: Then what do you propose?

Le Duc Tho: I have no other proposals. What we have agreed to we should carry out. Late yesterday afternoon, Ambassador Sullivan submits two proposals, and now less than 24 hours later you make new proposals. And you will make other proposals. I can frankly tell you that these are not serious negotiations.

Mr. Kissinger: I will not make other proposals, but it's senseless to debate it.

Le Duc Tho: But I do not accept the proposals. What shall we do then?

Mr. Kissinger: I can do nothing. I do not know what to do, to be quite honest. This negotiation has taken longer than I had thought; it has now become more complex than I believed possible. I frankly do not know what to do. The only thing I can think of doing is that I will withdraw from any further negotiations and leave any further negotiating to the Vietnamese parties.

Le Duc Tho: [laughs] But we can't prevent you from withdrawing. If you review our negotiations, you should realize that we have made most efforts to reach a settlement with you. But if you keep proposing changes and changes, then how can we negotiate with you? So I think these negotiations should be ended. Then I will shake your hand and return to my country. There is no other way. Because we have agreed on everything already. Because yesterday Ambassador Sullivan said that all the difficulties have been removed, except the one word, the word "territory" and "area." I have discussed with Minister Thach and we agreed.

Mr. Kissinger: Mr. Special Adviser, I can only say that Ambassador Sullivan reported to you exactly what our understanding was of the situation yesterday.

Le Duc Tho: But today it is changed.

Mr. Kissinger: We rejected the proposal that Articles 9 and 10 be dropped, that is, the article about the democratic liberties and the article about the political process. We have now the agreement that those two articles can be maintained. So the only question is whether we can find a solution to what we have been told in writing, in a letter to the

President, is the only change that is needed. But we confronted this new situation at the moment we telephoned you. We sincerely believed the problem was solved. We genuinely want this communiqué, or we would not have spent this much time. But we face a situation at this moment which is just as I have described it to you. Now if the negotiations break up, Saigon will have achieved its objective, which we have tried to avoid.

Certainly if we had wanted to prolong the negotiations and delay the agreement, we would have found a more intelligent way to do it than to conclude an agreement, tell you it's concluded, and then keep raising new issues. Certainly if we had not wanted an agreement I would not have flown all night to come here to present new proposals. That could equally well have been presented by Ambassador Sullivan first. Certainly if we had known last night at 4:00 that these were the proposals, there is no reason in the world that Ambassador Sullivan could not have presented it then. Certainly we would not have made all the preparations at Avenue Kleber if we had not been serious.

So what we face is a difficulty which concerns us both. Article 5 of the communiqué provides for the delimitation of areas of control, and that is not affected . . .

Le Duc Tho: I have told you that since we agreed on everything, and now you want changes, and I am disappointed with it. If now you say that Saigon wanted the proposals and if the proposals are not met that they will drag on the negotiation, then it is proof that the Saigon people want to continue the fighting. But if they want to continue the fighting, then we are prepared for that. But I think that the U.S. is responsible for the implementation of the Agreement. Moreover, you have created the Saigon Administration. If you want the implementation of the Agreement and normalization of relations with us, then you should reject the unreasonable proposals of the Saigon Administration.

Mr. Kissinger: Yes, but that won't get them to sign it. That will create a crisis but it won't get them to sign it. And then they will appeal to the conservative elements in America and we will have a very difficult situation.

Le Duc Tho: But you know the difficulty we had in negotiating the Paris Agreement, and at that time the Saigon intention was not to sign but finally they had to sign.

Mr. Kissinger: But it took . . .

Le Duc Tho: But now the problem isn't as difficult as the Paris Agreement. Saigon is in your hands. If you negotiate in this way, no negotiation is possible, and it would be difficult to create mutual trust.

Mr. Kissinger: I agree with you, Mr. Special Adviser. And as I said before, we have learned some lessons from this negotiation. But it took

us three months in the winter to obtain the agreement of Saigon. This time we have had a much shorter time. Now the Special Adviser is in the habit of saying he has foreseen everything. I can tell him we have not foreseen this situation. If we had foreseen this situation, we would not have started this negotiation. We would not have permitted it to go this far. And the Special Adviser is under a severe misapprehension if he believes we have not done our utmost. Now the Special Adviser has in this case not assessed the situation adequately. It is for this moment out of our immediate control.

Le Duc Tho: [laughs] I think it is something ridiculous.

Mr. Kissinger: That may be, Mr. Special Adviser, but the fact is that the President scheduled a meeting this morning to tell our Congressional leaders this morning that we had come to an agreement. He has had to cancel it. But there is no sense in debating it, because I have reached the limits of what I can do.

Le Duc Tho: I have also come to the limits. Shall we adjourn now?

Mr. Kissinger: May I suggest we take a five-minute break, and then discuss methods of adjournment.

Le Duc Tho: All right. But to adjourn is something easy.

[The meeting adjourned at 1:43 p.m. Kissinger and Tho conferred privately on the back lawn. The DRV agreed to the incorporation of Article 9(b) of the Agreement, calling for elections, but only if it followed the quotation of Article 11 on democratic liberties. Lunch was served from 2:30 to 3:30. At 3:30, Sullivan and Thach drafted the specific language for paragraphs 9 and 10 of the Communiqué. The formal meeting resumed at 4:30 p.m.]

Mr. Kissinger: Mr. Special Adviser, we are in an extraordinary hurry to get off this message [to Saigon]. But I feel that I must express appreciation for the extraordinary goodwill you have shown and to express my regret that it was necessary. I will not make any other demands and I recognize that any further request only means the breakup of these negotiations. I propose that we meet at Gif at 12:00 tomorrow. We will be prepared to initial at Gif tomorrow, if that is acceptable with you. And we will sign at 4:00 tomorrow afternoon, the four-party signature, at Kleber, and then let us say at 7:00 with the two-party signature. The cease-fire order will be at 1200 Greenwich Mean Time June 14, to be effective at 0400 GMT June 15. We must rush back now to get a message off to Washington and Saigon. And if the negotiation fails, the fault will be entirely Saigon's. You have made the utmost effort.

Le Duc Tho: Please let me speak a few sentences and then we will adjourn. So we have come here to negotiate for nearly one month now, and now you propose a modification of one more sentence. I have

agreed to your proposal on condition that there will be no more modifications, no more changes, and on the condition that the schedule you have proposed for tomorrow will be kept. As you said, any more proposed modifications will mean the breakup.

Mr. Kissinger: I agree.

Le Duc Tho: We meet tomorrow at Gif at the time you proposed.

Mr. Kissinger: Well, when we leave here we will say we will meet tomorrow at Gif.

Le Duc Tho: I agree.

[The meeting ended at 4:45 p.m.]

67. Memorandum of Conversation¹

Paris, June 13, 1973, noon–1:15 p.m.

PARTICIPANTS

Le Duc Tho, Representative of the Government of the DRV
 Nguyen Co Thach, Vice Minister of Foreign Affairs
 Phan Hien, Ministry of Foreign Affairs
 Colonel Hoang Hoa
 Pham Ngac
 Tran Quang Co
 Nguyen Dinh Phuong, Interpreter
 Notetaker

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
 Ambassador William H. Sullivan, Deputy Assistant Secretary of State for East Asian and Pacific Affairs, Ambassador-designate to the Philippines
 Mr. George H. Aldrich, Deputy Legal Adviser, Department of State

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 124, Country Files, Far East, Vietnam Negotiations, Camp David Memcons, Joint Communique May–June 1973 [3 of 3]. Top Secret; Sensitive; Exclusively Eyes Only. The meeting took place at 108 Avenue du Général Leclerc in Gif-sur-Yvette. All brackets are in the original. The tabs are attached but not printed.

As in the earlier negotiations on the January Peace Accords, South Vietnam refused to accept the draft communiqué on implementing the Accords. The United States began to pressure South Vietnam to accept the draft in the immediate aftermath of the May meetings. During the June round of meetings, South Vietnam continued to resist the U.S. pressure, which culminated in a June 12 letter from President Nixon to President Thieu that reads in part:

“If you refuse to accept these results and continue to decline to instruct your representative to sign the communiqué, you will have repudiated my entire policy of constant support for you, your government, and your country.

(Footnote continues on next page)

Mr. Lawrence S. Eagleburger, Deputy to the Assistant to the President for
National Security Operations

Mr. Peter W. Rodman, NSC Staff

Mr. Richard S. Thompson, Department of State, Interpreter

Mrs. Bonnie Andrews, NSC Secretary

Dr. Kissinger: Would the Special Adviser like to speak first? I see he has a little speech prepared.

Le Duc Tho: I have prepared nothing. I am waiting for your answer you promised, because this is something that you owe to me.

Dr. Kissinger: Mr. Special Adviser, we have exchanged views with Saigon very strenuously all night long, and I am happy to now inform you that the text of the communiqué is now complete. [Tab A] We can complete the initialing at this meeting and we can meet exactly the schedule on which we agreed yesterday. And a great deal of the credit is due to the big effort that was made yesterday by the Special Adviser, without which it would not have been possible.

So our work has after all, come to a successful conclusion. And I propose now that we discuss the remaining technical details, and review quickly the understandings, and exchange ideas on any other subject which we need. Then, if the Special Adviser agrees, we should initial here and follow the rest of the schedule as agreed.

If this meets with the Special Adviser's approval, I propose we proceed with the schedule.

Le Duc Tho: So now since we have agreed on the text of the Joint Communiqué and the schedule, we should stick to those agreements, and I agree we can exchange views on the remaining technical ques-

"If you choose this course, Mr. President, you will have determined the future of my administration's policy with respect to Viet-Nam. I will be forced to follow American congressional and public opinion by supporting only marginal humanitarian necessities with respect to your people and will be able, with justice, to forego all the hard decisions and tasks which would have been involved in the military and economic programs we discussed in San Clemente [when Thieu visited Nixon in early April]. Needless to say, it will be the end of our effort elsewhere in Indochina. I will regard such a choice as being directed at my personal judgement and my personal commitments." (*Foreign Relations*, 1969–1976, vol. X, Vietnam, January 1973–July 1975, Document 81) For a detailed documentary account of the campaign to obtain Thieu's agreement to the communiqué, beginning in late May, see *ibid.*, Documents 60–82.

This U.S. campaign to obtain Thieu's agreement succeeded, and representatives of the four entities, including South Vietnam, signed the communiqué on the afternoon of June 13. Kissinger and Le Duc Tho signed the two-party communiqué later that day.

On Kissinger's return to Washington, Nixon congratulated him for successfully negotiating the communiqué: "I told Al [Haig] last night, of all the things you've done, it was the toughest, because you had no cards. I mean, you went to this thing with a broken flush. And the other thing, you were looking, and, and you were looking at a—basically at, at four aces. And you knew damn well he had four aces. And, by golly, you, you pulled it off. I don't know how you did it." (*Ibid.*, Document 84)

tions, the questions you proposed, and then we will initial the document as you proposed.

Dr. Kissinger: First, there is one technical question connected with the work of the Joint Economic Commission. According to the Communiqué it should begin to work on Sunday. We propose it begin its work on Monday, and we will be prepared to resume on Monday.

Le Duc Tho: I agree with you.

Dr. Kissinger: Should we review the understandings? And also the cease-fire order? [Tho nods yes.] Should I read it? Or how do you want me to do it.

Le Duc Tho: Please.

Dr. Kissinger: I will read first our understanding on the return of Vietnamese civilian personnel. It is in two paragraphs. [He reads aloud from Tab B.]

Paragraph one is "The United States side reaffirms the statement of Dr. Henry A. Kissinger, Assistant to the President of the United States, on October 17, 1972, that the United States will use its maximum influence to secure the return of captured Vietnamese personnel detained in South Vietnam. In the spirit of national reconciliation and concord between the two South Vietnamese parties, the US will exert this influence to promote the return of the greater part of such detainees within 30 days of the signing of the Joint Communiqué on June 13, 1973 and the return of all such detainees within forty-five days, in accordance with paragraph 9(b) of the Joint Communiqué."

Paragraph 2: "The United States will use its maximum influence to ensure that the treatment of the above-mentioned detainees when they are in jail be immediately in conformity with Article 8 of the Protocol regarding the return of captured and detained personnel of the parties." [Mr. Aldrich hands over copies of Tab B.]

That is now agreed.

Le Duc Tho: Agreed.

Dr. Kissinger: All right. And I have given you some copies of the agreed English text. Shall I read the cease-fire order?

Le Duc Tho: Please.

Dr. Kissinger: Now may I ask one favor of the Special Adviser? When he gives his press conference tomorrow that he reads the correct statement? He had such an eloquent statement prepared for the case of a breakup. [Laughter] [Tho points to his papers.] I knew it!

All right, the cease-fire order. [He reads the text of cease-fire order at Tab C:]

"Considering that, since the conclusion of the Paris Agreement on Ending the War and Restoring Peace in Vietnam, armed hostilities have

not ceased in South Vietnam, thus impeding implementation of other provisions of the Agreement, and,

"In order for the Agreement to be fully implemented and to ensure a lasting and stable peace, "The High Command of _____ issues the following order to all regular and irregular armed forces and armed police under its command:

"1. Strictly observe a cease-fire beginning 1200 hours Saigon time, June 15, 1973."

We recognize that the PRG will put in Indochina time, but it is necessary for clarity for the commanders on our side. In the agreement it is 0400.

"2. Strictly observe the provisions of Articles 2 and 3 of the Agreement and Articles 2, 3, and 4 of the Protocol on the Cease-Fire in South Viet-nam; and

"3. Scrupulously implement all other provisions of the Agreement and its protocols."

And we recognize that the PRG will say "Indochina time." But then they will have to say 1100 Indochina time. Because we don't want them to take Sa Huynh after the ceasefire. [Laughter]

You will get the colonel [Colonel Hoang Hoa] under control, Mr. Special Adviser?

Shall I read the understanding on Laos? Shall I do that? [He reads Tab D:]

"Paragraph 1. On the basis of respect for the principles of the 1962 Geneva Agreement on Laos and the Agreement on restoring peace and achieving national concord in Laos signed on February 21, 1973, the United States of America and the Democratic Republic of Viet-Nam reaffirm their strong desire that the current negotiations between the two Lao parties will promptly come to a success.

"2. The United States of America and the Democratic Republic of Viet-Nam have been informed by the Lao parties that:

"(a) The formation of the Provisional Government of National Union would be achieved by July 1, 1973 at the latest.

"The U.S. and DRV will exert their best efforts in that direction." And that last section is a new paragraph.

"(b) Within a period of no more than 60 days after the date of the establishment of the Provisional Government of National Union, the withdrawal from Laos of all foreign military personnel, regular and irregular troops, and the dismantling of military and paramilitary organizations of foreign countries, including the 'special forces' organized, trained and commanded by foreign countries, must be completed.

"(c) After the return of all persons, regardless of their nationality, who were captured, and those who were imprisoned for cooperating

with the other side in wartime, each Lao party has the obligation of getting and supplying information to the other party about the missing in action in Laos."

Le Duc Tho: I agree.

Aldrich: This one I don't have a copy for. It is the draft from June 6.

Kissinger: All right. I shall read the understanding on Cambodia. And I am glad you agree to a ceasefire by June 15 which will coincide with the Vietnam cease-fire.

[Dr. Kissinger reads Tab E:]

"1. On the basis of respect for the principles of the 1954 Geneva Agreement on Cambodia that recognizes the Cambodian people's fundamental national rights, i.e. the independence, sovereignty, unity and territorial integrity of Cambodia, the USA and the DRV reaffirm that the settlement of the Cambodian problem falls under the sovereignty of the Cambodians.

"2. The USA and the DRV reaffirm the obligations of Article 20 of the Paris Agreement, which requires the withdrawal of all foreign troops, military advisers, and military personnel from Cambodia."

Le Duc Tho: Please read again. [Mr. Thompson rereads paragraph 2 in Vietnamese.]

Dr. Kissinger: I think it is your paragraph.

Le Duc Tho: Please go ahead. Because this is the understanding, the draft which you gave to us. It makes many big differences.

Kissinger: Paragraph 3. Here, we gave something to Minister Thach but in his usual obstructionist way he refused to commit himself. I will read you what we gave to Minister Thach.

"3. The USA and the DRV will exert their best efforts to bring about an end to the fighting in Cambodia and a peaceful settlement of the Cambodian problem."

Le Duc Tho: Have you finished? I agree with you regarding the understanding on Cambodia. I agree with you on the first paragraph.

Regarding the second paragraph we propose the following amendments. "The United States and the Democratic Republic of Vietnam reaffirm the obligations under Article 20 of the Paris Agreement. The foreign troops, military advisers and military personnel shall be withdrawn as required by Article 20(b) of the Agreement." The reason is that the DRV reaffirms the obligation of Article 20 of the Paris Agreement, the whole Article 20. It is one obligation. And then, "all foreign troops, military advisers, and military personnel shall be withdrawn as required by Article 20(b) of the Agreement."

Dr. Kissinger: I accept.

Le Duc Tho: It is clearer.

Dr. Kissinger: I accept. You have been sufficiently concrete. Now, if I know the Special Adviser, he will think there is something wrong with it. I should have struggled for ½ hour for this. Now you are in trouble Mr. Minister. I should have struggled for ½ hour.

Le Duc Tho: For once you should have admitted that I have spoken concretely enough.

Kissinger: I will have it typed.

Le Duc Tho: We will have it typed.

Kissinger: In English?

Le Duc Tho: Yes.

Kissinger: All right.

Le Duc Tho: Now regarding the third paragraph, we propose to delete the words “an end to the fighting in Cambodia” before “a peaceful settlement.” Because that means that the fighting should be ended before reaching a peaceful settlement in Cambodia. Therefore, we propose the following: “The United States and the Democratic Republic of Vietnam will exert their best efforts to bring about a political settlement in Cambodia.” You can use the word “political” or “peaceful settlement” in Cambodia. As regarding Vietnam and Laos, there should be a political settlement before the fighting is ended. On this question I have expressed my views to you on many occasions. It is our last effort. So that we will exert our efforts in that direction. And we are always thinking that the settlement of the Cambodian problem falls under the sovereignty of the Cambodians. I have talked with you on that question very lengthily and on many occasions.

Kissinger: But never very concretely.

Le Duc Tho: Sometimes in saying so, the actions will be better than the words. But sometimes when we say concretely, the actions will be impeded.

Kissinger: But it would be better to have one clause in the agreement where the actions are better than the words. It would be a historic achievement.

Le Duc Tho: It depends on the document we have.

Kissinger: Well, Mr. Special Adviser, what we propose in paragraph 3 is exactly what we proposed in Vietnam and Laos—that there be a ceasefire before a political settlement. In both places the political solution was left to follow the ceasefire.

Le Duc Tho: Now it is not true. There should be settlement of the problem before a ceasefire can be observed. In Vietnam we had to talk, have an agreement, and then a ceasefire is observed.

Kissinger: But maybe the Special Adviser wants the fighting to continue after there is a settlement.

Le Duc Tho: The experience in Vietnam has been shown to you, and that is why both of us have to review the implementation of the Agreement.

Kissinger: Well, it seems that what we have said is consistent with what we had in Laos and Vietnam.

Le Duc Tho: Here it is contrary to the agreements in Vietnam and Laos. The settlement must be negotiated among the parties as in Laos and Vietnam and then there will be a ceasefire. I have talked to you on this question lengthily many times so you know my feelings. Now my views have dried up.

Kissinger: Now that is a modesty which is unwarranted of the Special Adviser. Especially on Cambodia. Because the Special Adviser always foresees everything and is always prepared for every contingency. [Laughter]

Le Duc Tho: So I have foreseen this contingency and have prepared the document in this way.

Kissinger: Mr. Special Adviser, did I understand you correctly that a peaceful settlement must be negotiated among the parties as in Laos and Vietnam?

Le Duc Tho: What I would like to say here is you and we will exert our efforts to bring about a peaceful settlement in Cambodia, but as to who will talk to which party—this is up to the Cambodians, just as in Laos.

Kissinger: But we agree that somebody needs to speak to somebody in Cambodia. [They confer.] Mr. Thach, you will be excluded from this discussion, with all due respect. We finally got Mr. Vien under control when you arrived. So, do you want to go ahead and reply?

Le Duc Tho: I have expressed all my views.

Kissinger: All right, let me then speak. What will settle the issue in Cambodia is not what we say in this understanding. And I pay close attention to what the Special Adviser has said, that if we say too much it may make it more difficult to settle. But it is a reality. So I accept the change. I accept the wording, using the word “peaceful” rather than “political.” But I do want to call the Special Adviser’s attention to something—to the fact that rapid implementation of paragraphs 2 and 3 of this understanding is extremely important to the normalization of our relations and the implementation of the other provisions of the Agreement.

Can Minister Thach get this retyped? Or we can. Either way. So we will exchange these.

So we have now completed the understandings.

Le Duc Tho: I have taken into consideration your views regarding the “political” solution. I would prefer a “political” solution.

Kissinger: How about “a peaceful settlement of the political and military problems in Cambodia?”

Le Duc Tho: There is another understanding that we ask for, to insure the activities of the Two-Party Joint Military Commission in Saigon and other places. Immunities and privileges have been mentioned in the Joint Communiqué but here we would like to have something additional. Because the Communiqué is not sufficient.

Kissinger: Let me hear what you have.

Le Duc Tho: It is an amendment of an agreement which Sullivan gave us [Tab F]. [He reads Tab G]: "In order to facilitate the working of the Two-Party Joint Military Commission, the United States will ensure that the Government of the Republic of Viet-Nam will provide adequate quarters and favorable means of operation for the PRG in Saigon proper and in other locations of the regional JMC's and local teams, and that the PRG delegation will be able to operate from these quarters with the privileges and immunities specified in paragraph 12(b) of the Joint Communiqué."

Kissinger: Did you say "ensure" or "endeavor to ensure"?

Le Duc Tho: You can use whatever words you like. "Best efforts."

Kissinger: Mr. Special Adviser, you were so insistent that we leave Vietnam that our influence in the provinces is not what it used to be. And, of course, if you wanted, we could return and then we could give you guarantees. I think we could do it at this time with 100,000? We don't need 500,000 this time. It is a sign of our good will.

Le Duc Tho: Yes, you had to withdraw all your troops under the Agreement.

Kissinger: Except for the protection of the PRG.

Le Duc Tho: But you still have influence over Saigon. And it is your responsibility for the implementation of the Agreement.

Kissinger: We expended the last ounce of influence we had at 2:30 this morning. From now on it will be safer for Ambassador Sullivan and me to visit Hanoi than Saigon.

Mr. Adviser, let me propose the following. We can't say "ensure" because we don't have that capacity. We will say "endeavor to ensure."

Le Duc Tho: I agree.

Kissinger: And instead of "favorable means of operation" we will say "means of operation" or "adequate means of operation." We will say "adequate." Otherwise we accept what you propose.

Le Duc Tho: I agree with you.

Kissinger: All right. And the rest is agreeable.

Le Duc Tho: Now we are finished with the understanding. Now there is an announcement to be made by Ambassador Sullivan and Minister Thach after this meeting. [Tab H]

Kissinger: [reads it] All right. I agree with this text. But because of the time pressures we have I also wonder whether the most efficient procedure would be for me and the Special Adviser to step outside and say we have initialed a document and a formal press release will be issued at 2:30. We would say a formal press release would be made at 2:30, or 3:00, from our respective offices.

Le Duc Tho: I agree. We will go outside and tell the press.

Kissinger: And what we will say is that the Special Adviser and I have just initialed a communiqué which will be signed by the four parties at 4:00 p.m. at Avenue Kleber and by the two parties at 7:00 o'clock at Avenue Kleber.

Le Duc Tho: I agree.

Dr. Kissinger: And a formal press release will be issued by the two delegations at 2:30 this afternoon.

Le Duc Tho: I will let you speak to the press.

Kissinger: But you will be there with me.

Le Duc Tho: Yes. Now I leave you to speak to the press today.

Kissinger: And you will reply tomorrow.

And can I say there will be a one party signature at 8:00 o'clock?
[Laughter]

Le Duc Tho: And the text of the Joint Communiqué will be published at what time?

Kissinger: I propose at 1600, at the signing. Let's say 1700. That way there isn't too much commotion among the press. Don't you think it is best to . . . [Discussion among the North Vietnamese] Can we change it in Washington?

Ambassador Sullivan: They have the same problem in Hanoi.

Kissinger: Well, let's say 1600. We will hand it out right after the signing ceremony is finished. That way the press won't run around. It takes only 15 minutes to sign. We will say 1600 but won't hand it out until after the signing ceremony. Because if it is published in Hanoi it will take ½ hour before it reaches here. And in Washington too.

Le Duc Tho: So, 1600.

Kissinger: We will say 1600 and hand it out afterward. It only takes 15 minutes to sign. Unless I refuse to sign it at the last minute. [Laughter] That is a new one. We haven't pulled that one on you. You haven't foreseen that contingency.

Le Duc Tho: I have foreseen that contingency.

Kissinger: All right. I am planning to have a press conference at 5:30. Because I will be leaving right after the next signing. And I will do my utmost to have it in a very constructive spirit. Because I believe the most significant achievement of this communiqué is not only the implementation of the Agreement but that it opens up the way to the rapid normalization of relations between the United States and the Democratic Republic of Vietnam.

Le Duc Tho: So we put what time for the initialing in the announcement?

Kissinger: 1300? Whenever you are ready. I am ready to initial now. We forgot to bring the documents but I am ready to initial! Have you foreseen that contingency?

Le Duc Tho: No, but we have foreseen every realistic contingency.

Kissinger: Shall we initial now?

Le Duc Tho: Do you have any other questions to raise?

Kissinger: Yes, Mr. Special Adviser. We have discussed the problem of normalization. We have agreed that we will make all efforts for the strict implementation of the Agreement and the understandings, in order to bring about the normalization. We will then get in touch with each other when either side thinks it appropriate, to establish permanent delegations in the capital of the other.

Le Duc Tho: I agree.

Dr. Kissinger: And when that is completed, the Special Adviser will visit the United States, to give further impetus to the process of normalization. We believe for reasons we discussed yesterday, that this is an important objective.

Le Duc Tho: You are right, what you have just said. We have discussed the question of normalization of our relationship. And I think that on the basis of scrupulous implementation of the Agreement then we will propitiously advance toward normalization of relations. Whatever questions we have, we will exchange messages, and when permanent delegations are not yet established, you and I will get in touch through messages in habitual channels.

Kissinger: And after the permanent delegations are established we will still be in touch. I will miss the contact with the Special Adviser otherwise.

Le Duc Tho: And at the press conference I think that you and I should speak about the joint communiqué and not go outside it.

Kissinger: I agree.

Le Duc Tho: We should not speak about the understanding about Laos and Cambodia. Regarding the normalization of relationship, we should speak just a sentence about it, not about future developments.

Kissinger: I agree. And we will not refer to the plan for delegations.

Le Duc Tho: This is the future developments. We should not speak about it now.

So this time you and I have come to an agreement and we have achieved a joint communiqué. And this is our great effort. In the desire to see the Agreement strictly implemented and leading to normalization of relationship. But the main question is the implementation of the Agreement. Through the experience we have gotten over the past four months, we have reached an Agreement but very often the implementation is not consonant to the terms of the Agreement. Since now we have had a Joint Communiqué, I think all of us have to strictly abide by the Agreement and the Joint Communiqué.

Therefore, after we sign the agreement I still foresee the possibility of strict implementation of the Agreement but I also foresee the possibility that we will have to meet again to review the implementation of the Agreement. It is my wish that the second possibility will not occur. Because if one side does strict implementation of the Agreement, then the other should do the same. It would not do if one side does and the other does not. Therefore, all of us have to strictly implement the Agreement. And I wish, I hope, that the situation will not develop in a bad direction, and if we meet next time then we will not have to review the implementation of the Agreement. And next time we meet, we will give impetus to the normalization of relations.

I am finished.

Kissinger: Mr. Special Adviser, I share the sentiments you have expressed. We have had a difficult negotiation and we have brought it to a successful conclusion. But it is now important that we now not only sign the document but that the Agreement be strictly implemented. We will do our best efforts in that direction. And we hope that you will do the same thing. We all have a responsibility not only to carry out the Agreement but to avoid the impression that could be misunderstood. I refer specifically to the movement of wild animals in a southward direction. Specifically, elephants. This is a matter we take very seriously. I pay attention to what the Special Adviser said, that under conditions of peace certain necessities disappear.

I share the feeling of the Special Adviser that we should now move energetically towards normalization of relations. We will maintain our close contact. I hope when we meet next time it will be on the basis of having only positive matters to discuss. And that our next meeting will mark a breakthrough in the normalization of relations between the Democratic Republic and the United States. We shall do our best to move in that direction.

May I say it will always be a pleasure to deal with the Special Adviser.

Le Duc Tho: We, both of us, should implement Article 7 of the Agreement. As I told you the other day, we should do it in such a way that the war in South Vietnam will be ended, and then we should not have to speak about Article 7. It is important. But if the war continues, we cannot say anything else. That is important.

Kissinger: I think we understand each other. Shall we now initial?

Le Duc Tho: I propose a few minutes break, to prepare for the initialing.

[The meeting broke briefly at 1:15. The Official Photographers were admitted from both sides, and the initialing took place from 1:20–1:30 p.m.]

68. Memorandum of Conversation¹

Paris, December 20, 1973, 9:30–11:55 a.m.; 2:15–4:15 p.m.

PARTICIPANTS

Mr. Le Duc Tho, Representative of the Government of the Democratic Republic of Vietnam

Phan Hien, DRV Foreign Ministry

Nguyen Dinh Phuong, Interpreter

Colonel Hoang Hoa

Pham The Dong

Tran Quang Co

Pham Ngac

Dr. Henry A. Kissinger, Secretary of State

Ambassador Graham Martin, American Ambassador to the Republic of Vietnam

Monteagle Stearns, Deputy Assistant Secretary of State for East Asian and Pacific Affairs

George Vest, Special Assistant to The Secretary for Press Relations

W. Richard Smyser, NSC Senior Staff

William L. Stearman, NSC Staff

Peter W. Rodman, NSC Staff

David A. Engel, State Department, Interpreter

Mrs. Mary Stifflemire, White House

Le Duc Tho: I don't know whether it is unintentional or intentional, but I meet you again today in the room in which we have initialed the Agreement. I still have a very fresh memory. I still remember that after I initialed the Agreement I offered you the pen with which I had initialed it, and I told you that I offer you this pen and hope that you will remember that day and the attention to the strict implementation of the Agreement, and you told me that you will keep it in mind. Now, nearly one year has passed and the situation has developed in a completely reversed way. So your statement has not come true.

Today, we meet here again and we have to review the Agreement again. I wonder if this meeting will yield some result or it will happen

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 27–14 VIET. Top Secret; Sensitive; Exclusively Eyes Only. The meeting was held at the International Conference Center, Avenue Kléber. All brackets are in the original.

Kissinger provided Nixon a generally positive report of this meeting. He noted that Le Duc Tho was greatly concerned about "establishing the ceasefire," although both sides had consistently been in violation of the cease-fire. Kissinger believed the meeting "was significant for this reason alone." North Vietnamese "behavior and concerns in this meeting," he continued, "revealed their considerable uncertainty about their military prospects as well. They took seriously, as a 'threat,' recent comments by you and other US officials that military action against the DRV could not be excluded if Hanoi launched another offensive." He concluded for the President: "It is clear that they are even weaker than I believed . . . and it is the GVN that has been gaining territorially in the prolonged

(Footnote continues on next page)

as it had after we signed the Agreement. I am not pessimistic when I say this, but I would like to point out the fact.

And it is a pleasure to meet Ambassador Martin here. After the signing of the Joint Communiqué I spoke to him, and I said that you would go shortly to Saigon; you will exert an effort to promote the true implementation of the Agreement and the Joint Communiqué. And I don't know why with your presence there in South Vietnam the war has been stepped up. This is also a fact. So I have opened our meeting today by these words.

Now please, I give you the word. Now you have been promoted to a new position now, so I call you Mr. Secretary.

Secretary Kissinger: I tell you, Mr. Special Advisor, that before I was Secretary, when Foreign Minister Gromyko was made a member of the Politburo I sent him a telegram congratulating him for having been raised to my level.

Le Duc Tho: [laughs] But I have not been promoted. I keep my previous position.

Dr. Kissinger: But you are always in the Politburo, so you can't be promoted. [Laughter]

I took the Secretary of State position in order to escape your attacks, but you have pursued me.

I think you have met all of the members of my delegation, Mr. Special Advisor. You, of course, know Ambassador Martin. You remember Mr. Stearman; Mr. Vest who is a Special Assistant to me. You remember Mr. Rodman. Mr. Smyser you recall from previous meetings. Mr. Stearns, who has replaced Ambassador Sullivan.

Le Duc Tho: Only two of you are unknown to me; the others are old acquaintances.

fighting." (Message from Kissinger to President Nixon via Scowcroft, December 21, 1973; National Archives, Nixon Presidential Materials, NSC Files, Box 127, Kissinger Office Files, Country Files, Far East, Vietnam Negotiations, Camp David, November 1–December 31, 1973)

Kissinger emphasized these points again in a December 28 meeting with Secretary of Defense James Schlesinger, Director of Central Intelligence William Colby, Chairman of the Joint Chiefs Admiral Thomas Moorer, and Deputy Assistant to the President for National Security Affairs Major General Brent Scowcroft. Kissinger and the group discussed U.S. policy around the world. Regarding his recent meeting with Le Duc Tho and what might happen in Vietnam, Kissinger said: "I think it's 60–40 against an offensive." He added: "I told him [Le Duc Tho] we would send him a message in January and maybe we'd meet again—but we wouldn't tolerate any nonsense. I think he is scared and we should put everything we can into the GVN." (Memorandum of Conversation, December 28, 1973; Ford Library, Digital Files, National Security Adviser, Memoranda of Conversations, 1973–1977)

Dr. Kissinger: Mr. Vest, who is a Special Assistant, and Mr. Stearns. Mr. Stearns has replaced Ambassador Sullivan. He spent two years in one of your favorite countries, Mr. Special Advisor—Laos.

Le Duc Tho: You like the country, but you are not liked by the people. [Laughter]

Dr. Kissinger: No, the Lao-speaking population likes him very much! We have been told, as a matter of fact, that there are special language courses being offered now in the Pathet Lao territory.

Le Duc Tho: I am learning foreign languages, too.

Dr. Kissinger: Which?

Le Duc Tho: Indochinese languages. [Laughter]

Dr. Kissinger: Well, I am reassured the Special Advisor isn't applying his special talents to American problems. I don't think we could survive it.

Let me say, Mr. Special Advisor, that it is always a personal pleasure to see you again. We spent many years negotiating together, always with respect. I remember very well you handed me the pen a year ago and you were kind enough to refer to it when you wrote me a letter after we both won the Nobel Prize.

As a matter of fact, I had a glass case made for the documents we signed that day, and the pen, and they stand near my desk in my office.

So I remember it very well, and I remember our words on the occasion as well as when we completed the Joint Communiqué.

We have achieved an end of military operations in Viet-Nam and we laid down principles for the evolution of the political life. It is true, as the Special Advisor pointed out, that the Agreement has not been carried out in many major categories. It is our view of course that the provisions of Article 7, the provisions of Article 20, and many other provisions, have not been implemented. The infiltration of North Vietnamese forces in violation of the Agreement gives rise to the belief that perhaps another military effort will be made by your side. And that of course would have most serious consequences.

So I agree with the Special Advisor that the time is opportune to review where we stand and to see whether improvements are possible. And we approach these discussions with good will and a serious attitude. And it is of course in addition a personal pleasure to renew our acquaintance.

We still believe that a normalization of relations between our two countries should remain one of our principal objectives, not least because it would give us the pleasure of inviting the Special Advisor to the United States. We are delaying our space launches so the Special Advisor . . .

Le Duc Tho: I have the impression that it will be long to come.

Dr. Kissinger: Do you think we shouldn't hold up our space launches any longer so that the Special Advisor can see one?

Le Duc Tho: You are right. It is more realistic this way. Actually speaking, I do wish to visit your country. But since you are prolonging things, it is your fault, not mine.

Dr. Kissinger: These were the general observations that I wanted to make, Mr. Special Advisor.

Le Duc Tho: You have finished, Mr. Special Advisor?

Dr. Kissinger: Please.

Le Duc Tho: I wonder whether we will meet this time only one day.

Dr. Kissinger: Unfortunately, Mr. Special Advisor, as I pointed out to you, I must leave tonight for Geneva for the opening of the Middle East Peace Conference; then I must return to Washington because I have been traveling for two weeks. I warned you about this ahead of time.

Le Duc Tho: I ask this question so that we may fix the working method here.

Dr. Kissinger: Yes, we can meet now until about ten minutes to twelve. Then I have to see the President of the Republic, and then we can meet again from 2 to 4.

Le Duc Tho: So the duration of our meeting today is short. I know that our meeting today is not certain that it will yield some result, because our time is short. And the problem is complicated. So I have traveled five days to meet you only one day. So you should understand that it is our desire to meet you.

Dr. Kissinger: I appreciate it very much.

Le Duc Tho: But to meet you and to come to some solution to the problem, I am always willing to meet you. But if I meet you and the situation becomes more serious, this is not something beneficial, this meeting.

Dr. Kissinger: I agree.

Le Duc Tho: Therefore in this time we meet we should push the situation in the better situation. But [since] last time when we met about the Joint Communiqué, there has been a set-back in the situation.

Now, please let me speak a few words, express to you some ideas. There are questions which I would like to present to you very clear, very explicitly.

Right after the signing of the Joint Communiqué, when we were leaving the conference room, I told you that the Joint Communiqué had been signed but probably you would violate it. I told you also that if you violated the Agreement then we would not stand idle and

let you and the Saigon Administration do whatever you like. The situation in Viet-Nam has now developed as I predicted. Particularly the situation in South Viet-Nam has become extremely serious, as you are aware.

Whose is the fault? Therefore we should make it clear and make a clear difference between black and white, right and wrong. The situation in South Viet-Nam shows the war is still going on. There is not yet a day of peace here. We signed the Paris Agreement on Viet-Nam for the purpose of having peace, but actually there has not been peace. And there is no reason that when we sign the Paris Agreement to have peace then we continue the war. The cause of that situation is that the United States and the Saigon Administration which receives U.S. encouragement and assistance have violated almost all the provisions of the Paris Agreement when your signatures had hardly dried up.

I should frankly say that the signature you affixed on the Agreement and the Joint Communiqué have no longer any value. You never know to respect your honor and your signature. Your pledges are nothing but empty promises. All your fine statements about ending the era of hostility, normalizing our relationship and advancing towards friendly relations between our two countries, are mere hollow words. The dangerous developments of the current situation in South Viet-Nam are caused by the United States and no one else. After your failure in Viet-Nam you had to pull out all your troops from South Viet-Nam and to end your war of aggression in Viet-Nam, but you are still unwilling to fulfill your commitment to respect the Viet-Nam people's fundamental national rights and the South Vietnamese people's right to self-determination as well as your commitment to end your military involvement and your intervention in the internal affairs of South Viet-Nam. On the contrary, you still want to continue the practice of the Nixon Doctrine through Vietnamization of the war, and therefore you are pushing the Saigon Administration to refuse to implement any provision of the Agreement and to continue the war.

If now you do not give up your scheme which is the cause of the present serious situation in South Viet-Nam, if you continue to Vietnamize the war, if you continue to violate the provisions of the Paris Agreement and the Joint Communiqué, if so, then I wonder whether this meeting between you and I will bring about any result or it will merely be a hoax to deceive public opinion. Even if the meeting will give some result, I wonder whether the result will be materialized or it will be only again on paper as it happened after the signing of the Joint Communiqué. This is a very big question indeed, but I wonder if it is possible for you to give a correct and serious answer.

Throughout my negotiations with you until we signed the Paris Agreement and then the Joint Communiqué, you repeatedly told me

that the objective of the United States was to end the war, to end the era of hostility, and to advance towards the normalization of relations between our two countries. I told you on many occasions, and when we signed the Paris Agreement with you, it was our earnest desire to see the Agreement scrupulously implemented and on this basis to establish normal relations with you and step by step to go forward to friendly relations between our two countries.

I would like to recall here the fact—probably you remember too—after the signing of the Agreement you proposed a visit to Hanoi. I accepted this proposal, only a few days after the signing of the Agreement, when our whole country was still boiling with hatred. This testified to our good will. But immediately thereafter you have not honored your statements and your signature. You have reversed everything. Then how can relations between our two countries be normalized? Therefore, I wonder whether the normalization of relations between you and us still remains one of your objectives. If it still remains one of your objectives, then what is the crucial factor that will lead to the normalization of relations? In our view, if normalization of relations is still a commonly desired objective, we think that the primary thing to be done is to correctly implement the Agreement, because this is the basis for the normalization of the relationship between our two countries.

Let me ask you, if the war goes on in South Viet-Nam, if your obligation to contribute to healing the wounds of war in North Viet-Nam is not fulfilled, how can the basis be laid for the normalization of the relationship? Therefore I am of the view that after the signing of the Agreement, in order to normalize our relationship, first of all you should scrupulously implement the Agreement. Above all there must be peace; there must be a ceasefire in South Viet-Nam; and you should fulfill your obligations to contribute to the healing of war wounds in North Viet-Nam. Only in this way can we shift to friendship in our relations.

On the contrary, if you continue to practice the Nixon Doctrine and to Vietnamize the war in South Viet-Nam, if you and the Saigon Administration, which you encourage and assist, do not correctly implement the provisions of the Agreement, then the South Vietnamese people have no other way than using every means to counter with the greatest determination the acts of war and the violations of the Agreement by the U.S. and the Saigon Administration and to get your side to strictly abide by the Agreement. We will never stand idle and let you and the Saigon Administration do whatever you like. You have to bear responsibility for the consequences of the present serious situation. Your scheme will finally meet with failure once again. This is something inevitable. Whatever threat on your part cannot intimidate

us. Of late you repeatedly sent aircraft to carry out air reconnaissance over North Viet-Nam and sent war vessels into our territorial waters. Your Defense Secretary also menaced us, but these threats are hackneyed to us.

Dr. Kissinger: We will have to get new speechwriters.

Le Duc Tho: Over the past 18 years you have intervened in and made an aggression against South Viet-Nam. You have threatened us both by words and by deeds. But you could not curb our firm will to fight for our just cause. We are not chicken-hearted people that you can intimidate. I told you that in the past, I tell you the same now, and I will tell you the same in the future.

Now we are facing only two paths. The first path is that you will continue to violate the Agreement, to practice the Nixon Doctrine through war Vietnamization, to support and encourage the Saigon Administration in making war in an attempt to wipe out the reality that there exist in South Viet-Nam two governments, two armies, two zones of control. If so, the situation there will prove more serious than ever, and finally he who sows the wind will reap the whirlwind. It is something certain. The army and the people of South Viet-Nam will never submit. They will devote all their energies to defend the Agreement and the achievements they have attained, and final victory will be theirs.

The second path is that you and the Saigon Administration will scrupulously implement the Agreement to end the war in South Viet-Nam. You will recognize the reality that there exist in South Viet-Nam two governments, two armies, two zones of control, and let the South Vietnamese people decide themselves their internal affairs in keeping with the Agreement and the Joint Communiqué.

At the same time you should carry out your obligation to heal the wounds of war in North Viet-Nam.

For our part, we will scrupulously implement the Agreement and the Joint Communiqué. Only in this way can peace be restored and relations between our two countries be normalized. This is something that both of us wish for and that is beneficial both to you and to us. I think this second path is the wisest, the best way. How the situation would develop depends on your choice.

I have finished.

Dr. Kissinger: I was glad to note from the Special Advisor's comments that his perspective on events has remained as unilateral as ever. And of course it will not surprise him that our perception of what happened after the Agreement is somewhat different. I confess I became a little uneasy during our negotiations last year when the Special Advisor did not want to use the words "will observe" the agreement

in Laos on the theory that North Viet-Nam had of course always carried out the 1962 agreement strictly. I was afraid the same thing was going to happen in South Viet-Nam.

Let me speak first about the relations between the Democratic Republic of Viet-Nam and the United States. First, as I have often said to the Special Advisor, the United States would like to normalize its relationships with Hanoi. But we do not believe that this is a favor that the Democratic Republic is extending to the United States. It is either in our mutual interest or it will not happen. So we continue to be ready to normalize our relationship, we believe it is in the interest of both of our peoples, and we hope that the objective conditions to achieve this will come about.

Now, as for the specific conditions in South Viet-Nam, the Special Advisor says that the United States is Vietnamizing Viet-Nam. That is a strange criticism to make. It is true we want to turn over responsibilities to the Vietnamese. But whatever we have done has been strictly within the terms of the Agreement. The United States has replaced military equipment on a strictly one-to-one basis as provided for in Article 7. But the difficulty has been that since the first day of the Agreement there has been a consistent violation by the North Vietnamese side of Article 7, of Article 15, of Article 20, and of many other provisions of the Agreement.

During our talks in June the Special Advisor pointed out to me that all the movements we were observing concerned civilian goods, and I pointed out to him that for us it was very difficult to believe that Article 7 was being carried out when civilian goods were so valuable that they were being transported in tanks. Besides, we have found that the civilian goods that were being so transported . . . that the vehicles in which they were being transported were making the trip only once. They never seemed to go back to get more merchandise. And some of it seems to be transported inside artillery pieces, which is an inefficient means of transportation.

So our observation is that there has continued to be a very great increase of military forces, in serious violation of the Agreement. And naturally we ask ourselves what the purpose of these forces is. When we spoke of returning to their native land, we thought of moving north, not south. And this creates the impression to us that the Democratic Republic is planning military pressure.

The Special Advisor knows also that the provisions of Article 15 have never been observed. He also knows that the demarcation of zones of control has never been carried out.

I do not want to go through the whole Agreement, but I cannot accept the proposition that it is the United States side and the Saigon Government which have violated basic provisions of the Agreement.

If the United States has resumed some reconnaissance activities in recent weeks, it is precisely because the United States cannot accept any pressure such as has been implied by some of the statements of the Special Advisor here. We have enough experience with each other to know that military pressure cannot work and always produces a response.

We will not bring pressure on you, and we are confident that when you look back on the history of our dealings with each other you will not want to bring pressure on us.

The Special Advisor pointed out that we have two choices: to bring about peace in Indochina, or to have a continuation of the state of warfare. But really we have only one choice. Warfare has been tried for 10 years and it will be no more successful in the future than it has been in the past. So we must try to bring about peace.

Le Duc Tho: But how can we bring about peace?

Dr. Kissinger: The Special Advisor said that we should try to bring about a ceasefire, the healing of war wounds, and implementation of the Agreement. We agree with these objectives. And so the Special Advisor and we, who have surmounted many difficult problems, should look at it from the point of view of how we can bring about a turn in the direction of peace in Indochina. And it is with that attitude that I have come here for a preliminary exchange of views.

Ambassador Martin's feelings have been very much hurt by what you said to him, Mr. Special Advisor. He is very sensitive. [Le Duc Tho smiles] But he is one of our best men, and anything we do that is in a common interest he will do his best to implement.

Le Duc Tho: [laughing] He has done his best recently, to bring about very serious developments in this situation.

Dr. Kissinger: I think you misjudge him completely. But of course our belief is that you have brought about the serious developments, quite frankly.

Le Duc Tho: [laughs] Please finish your speech.

Dr. Kissinger: I have finished what I wanted to say at this moment.

Le Duc Tho: If now we review the situation since the conclusion of the Agreement, we should seriously tell that after the signing of the Agreement if the war continues in South Viet-Nam it is because the Saigon Administration with U.S. encouragement and assistance sticks to making war and continues to make war in South Viet-Nam. This is the real cause. The Agreement is aimed at ending the war. But if after the signing of the Agreement the U.S. and the Saigon Administration which received your encouragement and assistance, if they continue to make a war, then no peace will be possible. Because the Saigon Administration with your encouragement and assistance have

launched continuous military activities, and this is known to the whole world. And I have told you that in the face of such a situation we will not stand idle and let the Saigon Administration do whatever it likes. And in the past, the U.S. had great huge quantities of troops and armaments in South Viet-Nam and we fought against you. There is no reason now that with the Saigon Administration alone, the Provisional Revolutionary Government will stop fighting against the Saigon Administration.

Dr. Kissinger: That is what we think too. We think the Revolutionary Government and your government is fighting against the Saigon Government—but not because our side is starting it. We think your side is.

Le Duc Tho: You have reversed the facts. I wonder if you speak what you are really thinking.

Dr. Kissinger: What I am really thinking, Mr. Special Advisor, is that 86,000 people have moved south since January.

Le Duc Tho: Now I can tell you, if we continue this course of talking, I can speak to you for months—how you have introduced troops and equipment, what quantity of armaments, of tanks, of planes into South Viet-Nam, and how many million dollars you have been spending to maintain the Saigon troops. I will not continue now; I will give you some documents.

You say that you have been replacing armaments on the basis of one-to-one, piece for piece, but who has controlled it? Therefore I think that the principal, the fundamental cause of the situation is that if there is no peace in South Viet-Nam no other problems will be solved.

Dr. Kissinger: May I say one personal thing to the Special Advisor?

Le Duc Tho: Please.

Dr. Kissinger: It is a pity that we deprived the Norwegians of our dialogue, because we could have had a fascinating debate at the Nobel Award, absolutely unique in the history of that ceremony. [Laughter] Mr. Special Advisor, it is obvious . . . or did I interrupt you, Mr. Special Advisor? I don't want to interrupt your train of thought.

Le Duc Tho: I have not yet finished.

Dr. Kissinger: Excuse me. Please.

Le Duc Tho: Because the situation is that the war is going on and you are introducing armaments and war material to encourage the Saigon Administration to continue the war. In such a situation how can we stand idle? While you are not implementing the Agreement and you are demanding us to respect the Agreement and to let the other side violate the Agreement, it is something unacceptable. Therefore I think that now that [on] the question to be settled in order to ameliorate the situation in South Viet-Nam, you are right when you say that there

is only one choice to make. I think also that there is only once choice. But I can frankly tell you that this way does not completely depend on us.

Now one question arises to be put before you. This question is whether the United States and the Saigon Administration really want to engage in the path of peace. I think that if really you want to choose this path, I think it would be easy to settle. But this cannot be expressed only in words but it must be materialized by concrete acts, by deeds. And I think that only in this way can we go forward toward the normalization of relations. We have no other desire than the recognition of the reality written down in the Agreement, the reality that there exist in South Viet-Nam two governments, two armies, two zones of control. Therefore we should create conditions for peace. And I am also of the view that only in this way can we bring about the normalization of relations between the United States and the Democratic Republic of Viet-Nam. And you are right when you say that the normalization of relations between our two countries is beneficial to both of us—to the United States and to the Democratic Republic of Viet-Nam.

Now please imagine that if the war goes on in South Viet-Nam and the United States will continue to assist the Saigon Administration in making war, and we, the DRV, we will have to continue to aid the PRG, and you know that we will not yield to you. We only submit to peace only, but we are determined to make war if need be. It is something very clear and evident. Therefore our view is that only in peace can other problems be solved. And then there will be conditions to facilitate the normalization of relations between our two countries. And then your contribution to healing the wounds of war will be beneficial to the United States and to the Democratic Republic of Viet-Nam, and only then can we usher in a new period.

And if the war goes on where will we arrive at? But if the Saigon Administration, with your encouragement and assistance, continues the war in an attempt to wipe out the reality of two governments, two armies, two zones of control in South Viet-Nam, then we are determined to counter these maneuvers and we are obliged to make the Saigon Administration give up these objectives. We have been fighting over the past 18 years, we have been fighting against U.S. aggression for 18 years, and if we count also our struggle against the French colonialists, it is about 28 years now.

Dr. Kissinger: It has almost become a habit with the Special Advisor to fight. The Special Advisor has become so used to fighting that he finds it difficult to imagine peace.

Le Duc Tho: It is not true. We sign the Agreement with the purpose of having peace. You know that we have been at war for 25 years. There is our desire to have peace. That is the reason we signed the

Agreement and this is the aspiration of our people. But our people have also another desire, an aspiration: our people will be determined to fight back against whoever wants to oppress our people, to subdue our people. Therefore once we are faced now with one problem—what to do to achieve peace. We have to discuss this.

Dr. Kissinger: I agree.

Le Duc Tho: And we should also discuss what to do to create conditions for the normalization of relations, and, as you said, to create objective conditions for the normalization. I don't know what you have in mind when you say "I agree."

Dr. Kissinger: It is just that I have learned from the Special Advisor that everything depends on objective conditions and not on subjective belief.

Le Duc Tho: But I want to know what you mean by the objective conditions.

Dr. Kissinger: Remember the Three-Point Elaboration by the Special Advisor?

Le Duc Tho: I do.

Dr. Kissinger: Are you finished?

Le Duc Tho: I have.

Dr. Kissinger: Mr. Special Advisor, in all seriousness, you have fought 25 years very heroically, as I have often said to you, and you know that while we sometimes joke with each other there is a great deal of respect on our side. No one has earned the right to peace more than the people of Viet-Nam, North or South. If our objective is peace, and if we are serious about it on both sides, and if our objective is to end acts of war, we can find a way of doing it. If our objective is, however, just to gain a pause in our struggle and to improve our tactical situation and to gain tactical advantages, then neither of us can succeed. We have proved that to each other now for over 10 years. We know you will not yield to pressure. You have proved that through a long and distinguished history as a people and you have proved it through an enormously courageous history in the last generation. And in our own complicated way, we also will not yield to pressure. So if either side brings pressure, the other will resist.

Le Duc Tho: But who is making pressure? Who continues the war?

Dr. Kissinger: It is our impression, Mr. Special Advisor, that you have not observed the military provisions of the Agreement for one day since it was signed. I don't want to be insulting, but this is our impression. And that produces the objective tendency of pressure.

Le Duc Tho: [laughs] But I wonder if the objective pressure comes from your side.

Dr. Kissinger: The Special Advisor spoke about the introduction of war matériel. We have been prepared to deploy the teams, but it has been the other side that has not permitted the establishment of checkpoints. The Special Advisor said that the United States and its allies should respect the zones of control. Let me say first that we are prepared to do this, and to encourage it, and we believe that the Saigon Government is also. We should use the existing machinery to bring that about. We are prepared to bring about a strict observation, to encourage a strict observation of the ceasefire.

As regards the objective conditions for normalization of relations between us, when the Agreement is observed, including Article 20, all other problems will solve themselves very easily. And then all the objectives we have set for ourselves for normalization can be achieved.

One of the problems that concerns our families is better cooperation for the missing, for the finding and accounting for the missing in action.

So this is our present thinking, and I wonder if the Special Advisor has some concrete proposals which he might like to put forward, and if he also might be willing to consider a five-minute break.

Le Duc Tho: Please.

[The plenary meeting recessed at 10:55 a.m. After approximately five minutes, Secretary Kissinger, accompanied by Graham Martin and David Engel, walked down the corridor to meet privately with Le Duc Tho and Phan Hien. The private meeting, which lasted about 50 minutes, went as follows:]

Dr. Kissinger: If you are genuinely interested in the delineation of the zones of control and in stopping the fighting, we can arrange this. We can do it through direct talks between the DRV and Saigon, and we can use our influence. Then we can use the existing machinery. But if all you are interested in is tactical maneuvers, neither of us can fool each other. We know each other too well. Or maybe you can fool me, but I certainly cannot fool you.

Le Duc Tho: If peace is to become an objective for both sides, there will be no tactical maneuvers.

Dr. Kissinger: I agree.

Le Duc Tho: But if you engage in tactical maneuvers you cannot ask us to stop fighting.

Dr. Kissinger: The same thing is true the other way around. It is true for both sides.

Le Duc Tho: That is right.

Dr. Kissinger: But seriously, Ambassador Martin is a very serious man. His judgment is that if you are interested in peace and zones of control, this can be achieved. Some progress can be made if we restrict our topics to those issues. If you are concerned about U.S. war materials

and you are prepared to have inspection on your side, we are prepared to live strictly by the terms of the Agreement.

Le Duc Tho: If one wants to solve the situation in Viet-Nam, what is the crucial question? You have turned the two questions upside down by putting the questions of the introduction of war materials and zones of control first before the ceasefire. This cannot be achieved. And the crucial question, as I have said, is that of a ceasefire and the strict implementation of all ceasefire provisions of the Agreement. That is, first, to end the war and then to discuss zones of control.

Dr. Kissinger: Can we be specific? You emphasized strict observance of the ceasefire. What do you mean?

Le Duc Tho: We should stick to the provisions of the Agreement and the Protocols which are clearly stated. If these provisions are not respected, how can we have peace? After the ceasefire each side will remain in its zone of control. This is specified in the Agreement. Only then can there be control and the deployment of the teams.

Dr. Kissinger: I don't exclude that approach, but taking account of this difficulty; we are prepared to discuss your ideas today on how the ceasefire can be established, keeping in mind some provision for the temporary delineation of the zones of control and then going toward permanent teams. But I agree with you about ceasefire as the principal objective.

Le Duc Tho: But can the ceasefire be achieved immediately? We signed the Joint Communiqué specifying a ceasefire within 24 hours, but the Saigon side continued the fighting. The same thing happened after we signed the Agreement. This has caused a great deal of mistrust.

Dr. Kissinger: My impression is that even after the ceasefire last time there was a very significant reduction in military activities for some months. But last time we confused the issue by introducing lots of extraneous circumstances that created a great deal of suspicion and bad feeling on both sides and affected everything else. So if now we concentrate on more limited subject matter and discuss procedures which would bring about a sense of participation by those parties who have to implement the Agreement, then we can be more successful.

Le Duc Tho: First, about the South Viet-Nam problem. To have peace you must first observe a ceasefire in keeping with the Agreement and Protocols. I think we should limit ourselves to this problem first of all. When the ceasefire is effective it will create a favorable atmosphere and there will be no more clashes. The parties will discuss the questions of delineation of zones of control and how the teams will be located.

Dr. Kissinger: But how can you determine a ceasefire if there is no concept of zones of control?

Le Duc Tho: Under the Agreement and Protocols the forces remain in place in the zone under their control. You remember when we were still at war with each other there were occasional truces which lasted for a few days. The question is, do you really want a ceasefire? If so, a ceasefire can be effective. Then the control teams will be deployed. The zones of control are already clear except for some contested areas. If both sides have the common desire for a ceasefire, a ceasefire will be possible. But if you indulge in only tactical maneuvers, the fighting will go on.

Dr. Kissinger: You too.

Le Duc Tho: That is right. But the prime question is, will Saigon want to do this? It was clear after the Agreement was signed that Saigon did not want to do this. The restoration of peace will be beneficial to all.

Dr. Kissinger: I agree.

Le Duc Tho: Suppose there were peace in South Viet-Nam, then you could devote money that you have been spending for arms to build your economy. Our relations can be different.

Dr. Kissinger: I agree.

Le Duc Tho: That is the path we want to follow, but we wonder whether you and Saigon will follow the same path. There still remains distrust between you and us which was caused by past developments. So you should prove your desire to follow that path and go toward normalization of our relations.

Dr. Kissinger: If you are genuinely interested in a ceasefire which would lead very rapidly to the delineation of zones of control, if we set that as the principal objective and we do this with the full participation of those who have to implement it, it can be achieved. I agree with your perspective. We should concentrate on reconstruction instead of war, normalization instead of conflict. We will sincerely cooperate in this effort.

Le Duc Tho: I have told you this many times. Your visit to Hanoi was an expression of our intention. To our regret this could not have been achieved this year. I think that looking at the general world situation, ending the war in Viet-Nam is in conformity with the aspirations of the world's peoples.

Dr. Kissinger: I agree.

Le Duc Tho: So what shall we do now? If we fail again for the third time, the fighting will continue. We have a Vietnamese saying, "Twice yes, but not a third time." There can be breaches of faith on two occasions but not a third time. We have already had two experiences with the Agreement and with the Joint Communiqué. If we can't settle now, it will be impossible. The distrust between us is already

serious. If there is a third time it will be complete. You should start taking steps and we will see. You have not yet started, so how can we see?

Dr. Kissinger: Mr. Special Advisor, we honestly believe—and I tell you this in our small group—that we have been deceived. So the serious problem of distrust exists on our side also.

Le Duc Tho: We always feel we have been deceived.

Dr. Kissinger: You may have a real problem there, your perception of reality. I must say we have made progress in five years. You threaten us now in a much nicer way than previously.

Le Duc Tho: How can I threaten you? How can we exert military pressure on you?

Dr. Kissinger: What should we do. Do you have a concrete proposal with you? I think so.

Le Duc Tho: I have come here just for one day according to our agreement. So that is all I have to say. Speaking concretely, what can we settle now?

Dr. Kissinger: We shouldn't go through the same process as last time, where we had three-cornered negotiations for two months. I think the following things can be done: first, an immediate reduction of hostilities and, second, achievement of a permanent ceasefire coupled with the delineation of zones of control. We could both use our influence to move to a reduction of hostilities. Then I would like to send Ambassador Martin back to Saigon to get ideas of how a permanent ceasefire can be worked out using existing machinery. Then I will have him come to Washington for full discussions with me. Then we will give you our ideas on how to proceed. But I can agree with you now that that is a desirable and obtainable objective and it shouldn't take too long.

Le Duc Tho: You speak of reduction of hostilities. This surprises me. Now there are only two possibilities—either we stop the fighting or we continue to fight. The Agreement and the Joint Communiqué have fixed the ceasefire. In South Viet-Nam they have to discuss and implement the ceasefire provisions of the Agreement and deploy teams to ensure a ceasefire and the delineation of the zones of control. The ceasefire is first, then they can discuss delineation. Not the reduction of hostilities, but a ceasefire.

Dr. Kissinger: Maybe I did not make myself clear. Until we have a complete ceasefire, both sides should exercise restraint informally. But if that bothers you, we can forget it.

Le Duc Tho: We are here to discuss the modalities of a ceasefire. If a ceasefire is the desire of both sides, it will be attainable. Immediately after a ceasefire and the control machinery is in place, we can discuss zones of control.

But another problem is the problem of the release of political prisoners. I think we should discuss just these two problems. As for the others, we will let the National Council solve them.

Dr. Kissinger: I agree.

Le Duc Tho: Discussion of these two questions is practical. Let us see what we can solve. After a ceasefire there must be implementation of democratic liberties. As far as North Viet-Nam is concerned, I raise only two points. First, after the ceasefire your reconnaissance should stop.

Dr. Kissinger: I agree.

Le Duc Tho: It should stop even before, because the DRV is a sovereign country. But the main problem is that of healing the wounds of war. This has to be done in order to normalize our relations and it is in our mutual interest. So let us realistically discuss these questions. I agree with you on procedures for discussions: let the two South Vietnamese parties discuss the details. You will have a responsibility for Saigon to carry out the agreements that we will reach, and we have the same responsibility toward our allies. This will avoid the complicated procedures of last time signing the Agreement and the Joint Communiqué, etc. There are many problems in the Agreement, but let us concentrate on these problems.

Dr. Kissinger: I think we should avoid discussion of any political problems. It will open up all the problems of last time. How should we use our time today?

Le Duc Tho: The morning is almost over. In the afternoon we have only two hours. I don't know how you intend to proceed.

Dr. Kissinger: I have the impression you have brought another paper with you.

Le Duc Tho: No, because you said we would meet for only one day. I know you have a lot of work to do. I told you that we should have a meeting over several days.

Dr. Kissinger: With the Middle East negotiations, I only have one day. I appreciate the great courtesy of the Special Advisor in traveling for five days for a one-day meeting. I consider it a sign of good will.

Le Duc Tho: I wish to recall that on the 19th the PRG released the last American they were holding. That is one day before our meeting.

Dr. Kissinger: I appreciate that. I had meant to refer to it.

Le Duc Tho: I am not talking about tens of thousands of political prisoners in South Viet-Nam but only of the 5,000 that Saigon promised to release but has not released yet, and especially the detention regime in South Viet-Nam. I read the report of Branfman to the House of Representatives which was a complete report of detention conditions. He said there were 200,000 political prisoners. He spoke of tortures,

etc. This is intolerable. We cannot ignore it. It is a violation of the provisions of the Agreement. I don't now say that all these should be released. I am just now talking about an improvement of detention conditions. You promised this. I am taking advantage of Ambassador Martin's presence here since he is going to return to Saigon in a few days. Let us see what results there are. It is a humanitarian question.

Ambassador Martin: As you recall, Secretary Kissinger told you in June that he would instruct me to make a special point of the prisoners when I am in Saigon. As always, I carried out his instructions. I found that Saigon was willing to proceed with the exchange of 5,000 prisoners. I don't know what happened. Perhaps you do. There was never agreement on the points of return.

Le Duc Tho: There was no problem on points for return.

Ambassador Martin: Apparently your people in the Four-Party and Two-Party Commissions have not yet received their instructions. But you talked of the Branfman report. Also Don Luce and Cora Weiss have recently visited the DRV and the PRG zones of control. Perhaps it is thought that this is a good way to propagandize your charges. But these charges are almost wholly without any foundation. Concerning the numbers, we both know that is not true. What does concern me is that these activities of Branfman, Weiss and Luce will make it extraordinarily difficult for Secretary Kissinger to move on the question of economic aid for the DRV.

Le Duc Tho: My reply could be very long. There are many reports on the numbers of people being detained. The conditions of detention are obvious, not as you say. But I will give you documentation of this. Any man of good conscience must judge it intolerable.

Dr. Kissinger: As I understand it, your concerns are ceasefire, the delineation of the zones of control, and the 5,000 prisoners. I suggest that since I must leave in a few minutes we meet again at 2:00 to discuss concretely how to proceed, and also perhaps discuss Laos and Cambodia—since I don't want to offend the Special Advisor and I know you would be offended if we did not cover that even briefly.

Le Duc Tho: It is your constant concern.

Dr. Kissinger: In 1939, the German Ambassador in London told Churchill, "The next war will be different because we will have the Italians on our side." Churchill said "That is only fair, since we had them on our side during the last war." I want to suggest to the Special Advisor that since you have had Sihanouk for three years, maybe you should give him to us for three years. Why don't you think about it for this afternoon?

[The private meeting ended at approximately 11:55 a.m. and Dr. Kissinger's party left the Hotel Majestic.]

[The formal meeting reconvened at 2:15 p.m.]

Resumption of Formal Meeting

Dr. Kissinger: Tomorrow I have to deal with three Arab countries as well as your allies.

Le Duc Tho: And also I am told that Syria will not attend.

Dr. Kissinger: That's right, only two Arabs.

Le Duc Tho: It will be easier than the Vietnamese [laughter]. It will not take five years to solve.

Dr. Kissinger: We hope that those parties don't fight as obstinately as the Vietnamese. [Laughter]

Le Duc Tho: This morning at our private talks we have exchanged views on a number of questions. [Tho takes out paper.]

Dr. Kissinger: See, I knew he had another paper!

Le Duc Tho: I am always prepared. [Pointing to Dr. Kissinger's briefing book.] You have a file even thicker than mine.

Dr. Kissinger: True, but that is all your misdeeds, while you have only a proposal.

Le Duc Tho: We have a very thick record of your misdeeds.

Dr. Kissinger: Of my misdeeds?

Le Duc Tho: Of your responsibility. [Laughter]

Dr. Kissinger: Of my misdeeds. Perhaps the Special Advisor will give me the file when I write my autobiography.

Le Duc Tho: At this meeting with you, my intention is to review the general situation, and to find out measures which will ensure the strict implementation of the Agreement and the Joint Communiqué. And on the basis of the strict implementation of the Agreement and the Joint Communiqué we will shift to a new period to end the period of hostility.

Please now, let me raise the questions we are faced with, questions that we have to settle in keeping with the Agreement. These questions are concerning all the four parties, and the responsibility to implement the Agreement and the Joint Communiqué is the responsibilities of all the four parties. I will raise problems concerning North Viet-Nam, then problems concerning South Viet-Nam, to facilitate measures.

Now what problems concern North Viet-Nam? I think there are two. First, U.S. air reconnaissance activities over North Viet-Nam. I think that in this connection there is nothing to agree upon now because this is a question we had agreed upon previously. You should now put an end to these air reconnaissance flights over North Viet-Nam, because these actions are in violation of our sovereignty and in violation of all principles of international law. I think that those air reconnaissance flights must be ended.

Now the second problem is your responsibility with regard to Article 21. It is also a debt you have to pay to us after so many years

of destruction of our country. The payment of this debt is beneficial not only to us but to you, because it will lead to the normalization of relations between our two countries. And it will redeem to some extent the honor of the United States, and to recompense to some extent the destructions caused to our people. But so far I have noted that you are procrastinating on these questions and you are putting political conditions for bargaining. This is contrary to your commitment that the U.S. contribution will have no political conditions attached. Therefore I think there is no reason for you to prolong this question because almost everything has been agreed upon on this problem.

The other day you said that the Joint Economic Commission should resume its activity. But since everything has been agreed, so if the Commission resumes now it is for signature of the documents. Therefore I think that if the Joint Economic Commission is to resume its work it is for the purpose of concluding the documents.

If you drag on all the questions and delay the implementation of the Agreement, no basis can be laid for normalization of the relationship. I think even if in his term, if President Nixon does not carry out his obligation, I think that for a future President we will insist upon the fulfillment of your obligation.

These are two questions concerning the Democratic Republic of Viet-Nam. The following questions concern South Viet-Nam.

First, I think it is of paramount importance to observe the ceasefire and to implement all provisions of the Agreement and the Joint Communiqué concerning the ceasefire, and the Protocols concerning the ceasefire. If the war goes on in South Viet-Nam, then the normalization of relations between us is impossible, and no other problems can be solved if the war goes on. If the Saigon Administration which received your encouragement and assistance accepts the ceasefire, then the South Vietnamese People's Liberation Armed Forces will be prepared to stop fighting. The army and the people of South Viet-Nam have no reason at all to continue the war. On the contrary, if the Saigon Administration continues the war with your encouragement and assistance, as I told you this morning, we have no other way to do it. Our people in South Viet-Nam will be determined to fight back, and defeat will certainly be on the side of the Saigon Administration which receives your support.

So the developments of the situation in South Viet-Nam depend on your side.

Now, for the second question. The second question, an important one, is the question of U.S. military personnel disguised as civilians left behind in South Viet-Nam by the United States. You undertook that you would pull them out within 10 months, the greater part of them, and within one year all of them. Now nearly that year is drawing to its close and the U.S. personnel still remain in South Viet-Nam in

great numbers. To our knowledge, as we have informed you in our message to you, the number is over 20,000. In your message addressed to me you said this number was only 4,000. But for that much, for 4,000, there is no justification for their remaining in South Viet-Nam after the time limit that they would be withdrawn. In your last message you linked this question of U.S. personnel with the so-called question of North Vietnamese troops.

Dr. Kissinger: With the so-called question, or the so-called North Vietnamese troops?

Le Duc Tho: [laughs] You can call this question as you like. I think if you pose the question in this way it is incorrect. I do not like to elaborate on this point because I have dealt with these questions at length throughout our five years of negotiations. So you should now abide by the understanding, your commitment with us.

The third question, the illegal introduction of armaments into South Viet-Nam. I have spoken about this question this morning.

Dr. Kissinger: Which question?

Le Duc Tho: Illegal introduction of armaments into South Viet-Nam.

Dr. Kissinger: From the north?

Le Duc Tho: From Washington.

The third question is the question of Vietnamese civilian personnel captured in South Viet-Nam. I have spoken about this question at length too.

Dr. Kissinger: Oh yes.

Le Duc Tho: So I think I have nothing to add on this. I will give you documents about the number of the political detainees and about the prison regime in South Viet-Nam. I think that you should also implement your pledges to me in this connection.

As to the missing-in-action, I think that both of us should implement this provision. But I have an idea about this question, that you are unwilling to return the alive people, but you insist upon the return of the dead.

These are urgent questions which need solutions. As to the political problems of South Viet-Nam, these are also questions which we should discuss and come to an agreement, and the two South Vietnamese parties will also discuss them and implement them—the democratic liberties, the National Council of National Reconciliation and Concord, the question of general elections.

Finally, there is another question, the budget of the ICCS. I thought that the troop withdrawal would be completed within 60 days of the signing of the Agreement and the political problems of South Viet-

Nam would take 90 days after the signing of the Agreement, and then the ICCS would have been dissolved and no longer exist. But now the existence of the ICCS is prolonged and the expenditure incurred by the ICCS is too big. Besides, the amount you have raised about the annual expenditures of the ICCS is \$35 million U.S. dollars a year. So each signatory party will have to contribute \$8 million per year. We ourselves, we cannot afford such an amount. Because frankly speaking we can't afford such an amount, let alone the PRG. How can it afford to produce such a great amount of money? So I think now that the United States will pay all of the expenditures of the ICCS.

Dr. Kissinger: Are you offering that as a concession? Well, I tell you, if we pay the expenditures we want a written understanding that the Hungarians and Poles have to do what we tell them. We thought they had voted with you because you had paid for half and those were the two that you owned.

Le Duc Tho: Frankly speaking, Mr. Secretary, it is impossible for us to give money indefinitely for the ICCS for an unlimited time. It is an unbearable burden for us.

Dr. Kissinger: I am amazed when I consider how much devotion the Special Advisor gave to that section, Chapter VI. I can tell you gave more thought to that than to almost any other Section. Certainly longer than any other Section.

Le Duc Tho: It is an impossible burden. It does not mean that we do not want the activities. You will lend us money then and you will deduct the money from the contribution for the healing of war wounds.

Dr. Kissinger: There is a provision in here drawn from the Prussian Constitution of 1864, that if the new budget is not agreed to, the old one continues.

Le Duc Tho: That is true, but even the old budget is impossible for us to pay this.

Dr. Kissinger: I understand. We will look into that and we will give you our views.

Le Duc Tho: Frankly speaking, when I negotiated with you this question I did not think that the amount of money was so big. If I had an idea of the amount of the money to be spent, I would have proposed that the U.S. cover all the expenses. But it is a big amount for us. And in the meantime you do not carry out the provisions on the U.S. contribution on the healing the war wounds, and in these conditions it is impossible for us. In particular, the PRG, they have no money.

Dr. Kissinger: It has no taxation base. [Laughter on both sides.]
How is Madame Binh?

Le Duc Tho: She is now in the Soviet Union. It is one question I raise to you in a very frank way.

Dr. Kissinger: Mr. Special Advisor, I recognize that this does present difficulties. I will look into it as soon as I come back to Washington. We will approach it in a positive spirit, and I will let you have my views.

Le Duc Tho: Time is short, and I have a number of questions. We have to see which questions we can solve, which questions should be settled first and which questions should follow. So I have just raised the questions. Please now let me know your views and we shall see how we should proceed.

Dr. Kissinger: Mr. Special Advisor, I appreciate the spirit in which you have spoken. And I want to add again to what I said this morning, to repeat again what I said this morning. We both really have only one choice, and that is to make peace. And that will be our attitude.

I appreciate also that the Special Advisor mentioned the list of topics that concern him but put emphasis on those that are susceptible of relatively rapid solution.

First, on reconnaissance—among the issues that concern the DRV and the U.S., that is between ourselves—reconnaissance in the context of a ceasefire in which also the problem of infiltration is taken seriously will be no problem.

As for Article 21, I believe that as our work progresses here we can arrange a resumption of the Commission.

Now the Special Advisor also mentioned a number of issues that concern South Viet-Nam. One of the complaints I may make about the Special Advisor is that he always gets his allies incensed against me and they come to see me about the 24,000 military personnel that are in South Viet-Nam. We never send our allies in to complain against him.

We don't have 24,000 military personnel; we don't even have 4,000 military personnel. We have 4,000 Americans, most of whom are civilians permitted by the Agreement. As for the illegal introduction of war matériel, what makes it illegal, Mr. Special Advisor, is that you have refused to establish checkpoints, which therefore makes everything appear illegal. But the solution is to establish checkpoints, which is in your power to have established. But I really think your intelligence information about that is wrong, is very poor, because we have no people engaged in combat or paramilitary activities.

That leaves three problems which the Special Advisor mentioned, which are capable of solution. He mentioned two, but I will add a third. One is the strict implementation of the ceasefire. The second is delineation of zones of control. The third has to do with the 5,000 Vietnamese civilians captured in South Viet-Nam.

With respect to the last point, I will have to await Ambassador Martin's return to Saigon and we will be in touch with you about it very quickly. Of course there will have to be some reciprocity, but we will put that . . .

About the ceasefire and delimitation of zones of control. Mr. Special Advisor, let me tell you my evaluation of the problem. Each time we have proclaimed a ceasefire, each side tried to grab as much territory as it could just before the ceasefire. And then whichever side lost territory spent the next weeks trying to get it back. So the ceasefire led first of all to an upsurge of military activity, and then to a period of more intense activity to try to undo the consequences of the ceasefire. So the ceasefire has had the paradoxical consequence of accelerating military activity.

Do you think we could get a window open, Mr. Special Advisor? We are obviously not suffering from an energy crisis in this room. If you agree, Mr. Special Advisor.

Le Duc Tho: [laughs] I agree.

Dr. Kissinger: It is warm.

Le Duc Tho: Because if I don't agree, then both of us will be asphyxiated [laughter].

Dr. Kissinger: Then we will go together. We will do something in common that we agreed to do. [Mr. Smyser gets up to open the window, which turns out to be locked. He goes out for assistance.]

Now therefore it is important that before there is a ceasefire, or simultaneously with a ceasefire, there is some idea of the location of the areas of control.

I notice Mr. Hien has a piece of paper. Are we going to get this before the end of the meeting?

The Special Advisor never commits all of his reserves at once. I've learned this.

[Mr. Smyser returns with a Frenchman, who manages to open the window.] I think it will require a decision by the Conseil d'Etat.

Therefore, I believe finally, one of the difficulties has been, in the last ceasefire, that we spent so much time drafting the document with so little participation from the parties in South Viet-Nam which principally had to carry it out, that the incentive to carry it out was not sufficient.

So let me agree with the Special Advisor on the desirability of an early ceasefire, and one that this time will be strictly implemented. But let me also ask the Special Advisor how he would propose to solve the problem to prevent either side from trying to grab territory just before the ceasefire. In other words, how would we know who is where?

Le Duc Tho: Have you finished?

Dr. Kissinger: Yes.

Le Duc Tho: I have made preliminary statements today to Mr. Secretary, because it is not yet the moment to go into the problems because we have no time. Because the problem needs discussion to come to concrete agreement. Only in this way can we solve the problem.

So let me now make some comments on the views you have just expressed. I will answer you one by one in the order you have adopted.

There is no reason that these reconnaissance flights should continue, and there is no reason for you to link the reconnaissance flights over North Viet-Nam with what you call the infiltration of armaments from the north into the south. These reconnaissance flights constitute violations of the sovereignty of our country. So no country can allow itself to engage in such activities.

Regarding Article 21, we can discuss the resumption of the Commission. But everything has been agreed to at the Joint Commission. There are some of the questions which were deferred for further discussions, but those questions on which agreement have been reached [sic], so the reconvening of the Commission should be only for the purpose of the signing of the agreed document.

Now regarding the question of U.S. personnel disguised as civilians, we have evidence, we have documents, we have reliable sources on this question. These documents come from U.S. Defense Ministry. I will give you the documents, to save time. And a number of . . .

Dr. Kissinger: But who wrote the document?

Le Duc Tho: Secretary Schlesinger, answering questions of the Military Committee, the Committee of the Senate.

Dr. Kissinger: Of our Commission?

Le Duc Tho: Yes, the figure he gave here is not 24,000, but it is not as little as 4,000. And there are ample reports from the U.S. press.

Dr. Kissinger: But you are quoting your own people. Cora Weiss wouldn't know what is going on.

Le Duc Tho: You are always thinking of Mrs. Cora Weiss, speaking about Mrs. Cora Weiss. [Laughter]

Dr. Kissinger: Madame Binh also. I am interested in women.

Le Duc Tho: I will give you the papers. Because you have undertaken to pull them out. Now there are only a couple of ten days or more left, and even for 4,000 military personnel, the time limit is over.

Dr. Kissinger: Wait a minute, Mr. Special Advisor. One thing that worries me is that you may actually believe these figures. I would not worry if I were convinced that they were only said for propaganda. Because the figures are absolutely wrong.

First of all, the 4,000 figure we gave you is not military personnel either. That is all Americans engaged in any activity that is even vaguely related to the Government. Very few are military personnel, very few—that's less than 500.

Le Duc Tho: In your message you told me that there are over 3,000 military personnel remaining in South Vietnam for the maintenance of equipment.

Dr. Kissinger: Civilian personnel taking care of equipment.

Le Duc Tho: But the maintenance of military equipment. So I don't know whether Mr. Schlesinger, the U.S. Defense Secretary made a wrong statement when he said that.

Dr. Kissinger: The military?

Le Duc Tho: The U.S. Defense Secretary, although the figure he gave was less than 24,000.

Dr. Kissinger: OK, I understand. I will look into it again.

Le Duc Tho: Regarding the introduction of war matériel into South Viet-Nam, you said that it was necessary to have some checkpoints. We have no objection to have checkpoints. But after the ceasefire, then the checkpoints will be decided and control will be organized.

Now, regarding the three questions. The ceasefire, I speak about the ceasefire first. When the war is still going on and there is not yet a ceasefire, the belligerent parties cannot be prevented from making an effort to make advance. What is important is that when the ceasefire becomes effective, then the parties should remain there, in place. And I remember one provision in the Joint Communiqué, that when the ceasefire becomes effective, then the troops of each side should return to the position they occupied before January 28. So the provisions of the Agreement and the Joint Communiqué are very clear. But after the ceasefire comes into effect, no party has the right to launch land-grabbing operations.

Dr. Kissinger: But what I am trying to prevent is land-grabbing operations before it goes into effect.

Le Duc Tho: It would be difficult because there is not yet a ceasefire order. So it is difficult to prevent them from engaging in military activity. But when the ceasefire order comes into effect, they have to stop. And those troops who have launched land-grabbing operations after January 28, they will have to return to their positions occupied previously to January 28.

So in my view, after the ceasefire, the zones of control will be delineated. All the modalities of the ceasefire must be respected, and then the control forces will be deployed, then the ceasefire will be effective. And then we will discuss about delineation of the zones of control, and other problems. Because there are many other problems in the ceasefire protocols.

Regarding the 5,000 political detainees: When you visited Hanoi you told me that they would be released in a few days time, and afterwards the two South Vietnamese parties have agreed on the stages of the release of these prisoners. But until now the releases have not taken place. So they have to be released. It is something agreed to. But thousands of other prisoners are to be released too. And I would like

to say that not only prisoners captured before January 28 but also those captured after January 28, the parties should exchange a list of those prisoners, both military prisoners and civilian prisoners, and exchange.

So I have answered you point by point, the questions you raised.

Dr. Kissinger: Well, it doesn't answer the question of how to avoid the problem of each of the previous two documents, where there were extensive land-grabbing operations just before the ceasefire. Why could the two parties not be instructed to get together to make a preliminary delimitation as of some date, and on the basis of that, declare a ceasefire? See, what I am trying to prevent is that one side starts a big offensive and then suddenly calls for a ceasefire.

Le Duc Tho: Because your proposal is contrary to the provisions of the Agreement and the Protocols we have agreed to. To avoid these other things, we will discuss all those other things before we come to the ceasefire.

Dr. Kissinger: Say that again?

Le Duc Tho: We should discuss all the questions relating to the implementation of the Agreement, then we agree on the order of a ceasefire, and then discuss the modalities of the ceasefire—the position of troops, the delineation of the zones of control, etc.

Dr. Kissinger: Well, it depends who is going to do this. Our view is it should be done between the PRG and the Saigon Government, in established machinery.

Le Duc Tho: No, I think that you and I should discuss all questions, including the question of a ceasefire then.

Dr. Kissinger: The Special Advisor and I?

Mr. Phuong: Yes.

Dr. Kissinger: I don't know whether my nervous constitution is up to discussing with four Arab countries and the Israelis and the Special Advisor all in one time frame. [Laughter]

Le Duc Tho: I have nothing to do with the Middle East. [Laughter]

Dr. Kissinger: But I do!

Le Duc Tho: Yes, you have to share your mind five or six ways. Your work is very tiring, very hard, and you have to travel a lot.

Dr. Kissinger: I have to tell the Special Advisor about the splendid organization of the new Department which I have the honor of heading. In early September a friend of mine from New York wrote me a letter congratulating me on my appointment to my new position. In the middle of November he received a reply thanking him for his helpful advice on the Middle East and he should approach me at any time if he has any advice on that subject! So if you ever get a document on Jerusalem, send it back to me, it's a mistake. [Laughter]

Le Duc Tho: I do receive a great many letters from the United States. All kinds of letters.

Dr. Kissinger: You do, Mr. Special Advisor? But I am sure you answer them more intelligently than I do. But may I make this suggestion, Mr. Special Advisor? We agree in principle that there should be an effective ceasefire. Let us make that understanding. And a ceasefire that should be fully implemented this time.

We will contact you within two weeks, within the first part of January, to give you concrete proposals on how to bring this about. And we will both think about the modalities to meet each other's concerns. Because I agree with what the Special Advisor said to me when we met privately, that it should not fail a third time.

Le Duc Tho: I think that early in January when you make a proposal, you should not consider only the question of the ceasefire but all the questions I have raised to you.

Dr. Kissinger: I understand, and we can then decide which questions are more appropriate for the Special Advisor and me to discuss and which subjects would be more appropriate for the parties concerned to discuss.

And so we shall perhaps leave today's discussion on Viet-Nam at that. I will cover all of the items that the Special Advisor raised with me, in my reply.

But before we break up, I know the Special Advisor would feel sad if I did not give him an opportunity to express himself on his two favorite countries on which he has spent so much time and energy—Laos and Cambodia. We are utterly puzzled why the North Vietnamese keep building new roads in Laos when they are planning to leave it. But if the Special Advisor has any other points on Viet-Nam, we should listen . . . [He gestures to the Special Advisor to continue.]

Le Duc Tho: Regarding Viet-Nam, I would like to recall the question of military personnel disguised as civilians. You said that you would look into the question. But I would like to remind you that you should abide by the pledge you have given me that all military personnel should be completely withdrawn from South Viet-Nam and that no troops would be introduced, no new ones, into Viet-Nam. I recall the understanding, your undertaking, and remind you of that.

Dr. Kissinger: Yes, I understand this. But this is of course in the context of the implementation of the Agreement.

Le Duc Tho: [laughing] You link this matter. There has been an undertaking on your part regarding the time limit.

Dr. Kissinger: Yes, but there has been an undertaking on your part not to infiltrate military personnel, and 87,000 have come down into South Viet-Nam.

Le Duc Tho: No, you cannot link one question with the other, because during our discussion you have made this undertaking and now the time limit is nearing a close, so the personnel should be withdrawn.

Dr. Kissinger: Well, first of all, we don't have any military personnel disguised as civilians.

Le Duc Tho: One side say that there are such personnel, the other side says there is not. It will take the whole day.

Dr. Kissinger: We have civilians disguised as civilians.

Le Duc Tho: The main thing is implementation of one's pledges.

Dr. Kissinger: I will see how much personnel would be covered by this understanding, and then I will give you a view. Because many of the figures I gave you this would not apply to.

Le Duc Tho: You should stick to the understanding, the commitment you have made in the paper.

Dr. Kissinger: Mr. Special Advisor, it is an interesting thing to say that an unsigned understanding must be strictly implemented, but that signed provisions of the Agreement can be completely ignored.

Le Duc Tho: By the Agreement and by your undertaking, the U.S. will cease its military involvement and its intervention in South Viet-Nam. If now you maintain those personnel, it will mean that you remain involved in South Viet-Nam.

Dr. Kissinger: But my point is that it is not possible to apply this Agreement only partially.

Le Duc Tho: No, this is one of the questions I have raised. But if you say so, I can raise so many other questions where you have not stuck to the provisions of the Agreement. But here it is the question that after the withdrawal of U.S. troops from South Viet-Nam there is no reason that the U.S. will still maintain its military personnel in South Viet-Nam. Because if so, you will continue to help the Saigon Administration make war.

Dr. Kissinger: I understand the Special Advisor's point, and I will look into it. I will have to review to what numbers it applies.

Le Duc Tho: Please consider it.

Dr. Kissinger: Yes.

Le Duc Tho: Now, about the resumption of the Joint Economic Commission. The other day you said about its resumption in early December. In my reply I said that we will decide the date of the resumption when we meet. But my view is that when the commission is reconvened it should preliminarily sign the agreed document. There is no point to reconvene the Commission if you will seek the prolongation of the work of the Commission and you are still unwilling to sign

the Agreement. There is no point. But I think that there should not be further prolongation of the Commission. That is my view.

Dr. Kissinger: Our experts think that the work has to be reviewed to be adapted to current circumstances. Mr. Williams, who represented us, was on a trip when I left. I will meet with him next week when I return and I will propose a specific date and terms of reference.

Le Duc Tho: All right.

Dr. Kissinger: So, to sum up, we will propose to you our ideas. We have agreed in principle on the desirability of a new ceasefire. We will give our ideas on how we can bring it about, keeping in mind all our concerns.

We will give you our ideas on Article 8(c) and on Article 21.

Le Duc Tho: You are finished now, Mr. Special Advisor?

Dr. Kissinger: Yes. This is just to sum up where we stand.

Le Duc Tho: So I think that this time we have just raised the problems. Concerning certain of them, of these questions, you told me that you will consider them when you return to the United States. As to the discussions of the problems relating to the implementation of the Agreement, we will discuss them in another meeting.

Dr. Kissinger: All right.

Le Duc Tho: The discussions will cover all these questions, including the question of ceasefire. If we meet again to discuss these problems we should come to some real results, not only on paper but also [so that] the decision will be materialized. Because, as I have told you, I have been twice the victim of breach of faith. The third time will mean the breaking off, because no trust is left. So it is my hope that our coming meetings will give some positive results not only on paper but also concrete facts, concrete actions.

It is up to you to fix the date for our next meetings. But I cannot come here early in January, because I have just time to go back and to leave again. [Laughter] So I will be travelling always!

Dr. Kissinger: I thought the Special Advisor would be taking his Christmas vacation then.

Le Duc Tho: This Christmas I will remain here for a couple of days more before leaving. So you will give the date of our next meeting, but not in early January.

Dr. Kissinger: No, it cannot be early in January for me either. When we send you the other communication, we will send you an idea. Maybe we should arrange a preliminary meeting between Minister Thach and, for example, Ambassador Martin, to narrow the issues. Or anyone else you want to send.

Le Duc Tho: Let me think it over.

Dr. Kissinger: We will think about it, but when my own schedule for the month of January becomes clearer, we will make a proposal.

Le Duc Tho: Now this is my suggestion. Let us think whether we can find some closer place for our meeting.

Dr. Kissinger: Like Hong Kong?

Le Duc Tho: I have no idea, but we should think.

Dr. Kissinger: Hawaii?

Le Duc Tho: Let us think of it and we will exchange views.

Dr. Kissinger: I think it is useful to think of a closer place.

Le Duc Tho: Because it is a long journey to make, and it will take me a long time. If the meetings are frequent, then the time between the meetings is short, then it is very tiring for me. It is my suggestion; we will exchange views on that.

Dr. Kissinger: Exactly. Now what should we say to the press today? Should we say we have discussed matters of mutual interest and have agreed to keep in touch for further discussions as warranted by events? Or is that too daring a statement?

Le Duc Tho: According to me, we should agree on the statement to be made.

Dr. Kissinger: That's right.

Le Duc Tho: The two sides have met each other and have exchanged views on questions of mutual interest in the context of the current situation. The two parties will maintain contacts with each other. The two parties agree to maintain this forum, this channel, for a further exchange of views.

Dr. Kissinger: Maybe "this channel" is better. Mr. Vest will read it back to us.

Mr. Vest: "The two sides have met today, and exchanged views on matters of mutual interest in the context of the current situation. They will maintain this channel for further discussions as warranted by events." [They copy it down.]

Dr. Kissinger: I wonder whether the Special Advisor noticed my comments about him on arrival.

Le Duc Tho: [laughs] I have read it.

Dr. Kissinger: I did not want my humor to go completely unnoticed by my old friend.

Le Duc Tho: Any statement of yours will receive my attention. [Laughter] I follow what you say.

Dr. Kissinger: Just don't give technical advice to other countries.

So, Mr. Special Advisor, we will both say this and we will say nothing else.

So we will be in touch very shortly. I would like to express our appreciation for your traveling this long distance to meet, and we take it as a sign of your serious intention.

I must say I cannot accept the proposition that it is our side that has broken faith. But we do not want to start that debate again. In any event we should now take steps at last to get the ceasefire firmly implemented so that the fighting at last stops in Viet-Nam. And I think each side should exercise restraint in the interval between meetings in their military operations.

Le Duc Tho: [laughs] I avail [myself] of this opportunity to tell Mr. Ambassador that later in the future if we come to an agreement your responsibility is very heavy, because whether we can carry on the Agreement here depends on you.

Ambassador Martin: My instructions are from the Secretary always.

Le Duc Tho: I wonder whether the instructions from Mr. Secretary are positive or negative. [Laughter]

Dr. Kissinger: They are positive always. I wonder whether the Special Advisor will take account of my proposal in our private meeting regarding Prince Sihanouk.

Le Duc Tho: [laughs] No one can control him!

Dr. Kissinger: That is why I thought [we would] take him now for a few years. You have carried him since 1970, so now we should take him for a few years.

Le Duc Tho: Now I would like to ask this question. The other day you proposed that photographers should be admitted here.

Dr. Kissinger: Yes.

Le Duc Tho: We disagreed to that. The reason why, it is my view that when we can achieve something, some result, then we indulge in realistic propaganda. But you want to let the journalists photograph at the beginning of the talks; it is not something necessary. But you complained that we were not serious.

Dr. Kissinger: Oh, no. We thought you were serious.

Le Duc Tho: So it is true that we are serious but we want to be realistic.

Dr. Kissinger: No, I understand. The Special Advisor is blackmailing me again. The only way I can get a picture with him is to make an agreement. [Laughter]

Le Duc Tho: Because it is something very merry, very gay, when we have photographs taken at this place.

Dr. Kissinger: Yes, I understand.

Le Duc Tho: Because you complained that I was not serious. But with you I can have a photograph taken at any moment.

Dr. Kissinger: If I agree to a ceasefire? Or just you and me, you mean?

Le Duc Tho: So when the ceasefire has been agreed to.

Dr. Kissinger: No, I don't fully understand the implications of what the Special Advisor is referring to.

Le Duc Tho: I mean we personally, there is no problem. But it is the negotiations.

Dr. Kissinger: Or it is to sit at a table. Well, if you want to, we can walk out together.

Le Duc Tho: We have not got any result yet. [Laughter]

Dr. Kissinger: See! That is all right. I am disappointed. My father, who collects these pictures, is even more disappointed. But now you have given me an even greater incentive to agree than I had before.

So we shall be in contact with each other, and I think we should both have an understanding that we will use our influence for restraint while these discussions are continuing.

Le Duc Tho: We will get in contact with each other, we will discuss all the problems, and on the basis of these discussions we will settle all the problems.

Dr. Kissinger: That is true, and in the meantime, we will urge the parties to the conflict to exercise restraint so that their impetuosity will not complicate our work.

Le Duc Tho: Now what the Saigon Administration is doing every day is known to you.

Dr. Kissinger: And what the PRG is doing. And of course I suspect that your troops are carrying out orders. I would hate to think that 87,000 troops are without discipline.

Le Duc Tho: Now the military forces of the PRG are much more than 87,000.

Dr. Kissinger: I mean the new ones you have infiltrated.

Le Duc Tho: [laughs] No, they have to replenish their forces. It is in the competence of the PRG.

Dr. Kissinger: It is in violation of the Agreement.

Le Duc Tho: No, it is not in contravention of the Agreement, if the PRG replenishes its forces, just like the Saigon Administration has a draft.

Dr. Kissinger: Even if they draft them from North Viet-Nam?

Le Duc Tho: No, I don't know where they replenish their troops from, but what I know is that they have a right to replenish them.

Dr. Kissinger: Just so they don't come down from the north, because that would be a violation of the Agreement. I know the Special Advisor would not cooperate in that.

Le Duc Tho: No, they take them from South Viet-Nam. The population in South Viet-Nam is big enough.

Dr. Kissinger: But not in the part controlled by the PRG.

Le Duc Tho: There are people in the Saigon-controlled area who want to join the PRG army. [Laughter]

Dr. Kissinger: And they go north first so they can come down south. [Laughter] Well, I still hope the Special Advisor, with the restraint which is so characteristic of him, will urge caution on his friends, just as we will, because the consequences of an expansion of military operations are not well foreseeable. We will do the same. We ask nothing that we will not do ourselves.

Le Duc Tho: No, you are now returning to the reviewing of the previous situation. What is the cause of the situation in South Viet-Nam during the past? If we had honored the Agreements as soon as it was signed, then we should have made a good deal of progress. And there was failure of the implementation of the Agreement, then we had to sign the Joint Communiqué, and it failed again. So I think that we should make another effort in the period to come. And if we fail again, then the situation will become much more complicated. And I told you that the situation, how it develops, depends on you and on the Saigon Administration. I will come to meet you once again for a last final effort.

Dr. Kissinger: I hope the Special Advisor meant that as a sign of the determination of his efforts, not as a threat, because I think we have enough experience with each other to know that it is always counterproductive.

Le Duc Tho: No, we are threatening no one. It is the United States which is threatening us on many occasions. You sent aircraft carriers into DRV territorial waters; your Defense Secretary made a statement that bombing of North Vietnam may be resumed. Since the conclusion of the Agreement we can say that we—the PRG—has only to counter the land-grabbing operations of the Saigon Administration.

So we are looking forward to the next meeting, to see whether we can solve it.

Dr. Kissinger: Mr. Special Advisor, we will try to work in a constructive spirit. We will be in touch with you and let us see whether we can bring about a ceasefire.

Le Duc Tho: It depends on you.

Dr. Kissinger: I am glad to know that the Special Advisor has not changed his basic approach to life. His ability to see anybody else's point of view is exactly what it was before.

Le Duc Tho: I understand your view. It is because I understand that I gave you that answer.

Dr. Kissinger: All right, we will be in touch with each other. And I think we had a useful discussion today. We have contributed to clarifying each other's purposes. We have agreed that we should both make a major effort to produce peace. That will be our attitude.

Le Duc Tho: [laughs] You often refer to making great effort. Let us see whether this time you are really making a great effort.

Dr. Kissinger: All right, Mr. Special Advisor, we will be in touch with each other. It is always a personal pleasure to see you again.

[The meeting then ended.]

Appendix 1

Kissinger's Negotiations With the North Vietnamese¹

August 4, 1969–December 20, 1973

Round	Docu- ment No.	Date	Principals
1	1	August 4, 1969	Henry A. Kissinger-Xuan Thuy
2	2	February 21, 1970	Henry A. Kissinger-Le Duc Tho (1)
	3	February 21, 1970	Henry A. Kissinger-Le Duc Tho (2)
3	4	March 16 1970	Henry A. Kissinger-Le Duc Tho
4	5	April 4, 1970	Henry A. Kissinger-Le Duc Tho
5	6	September 7, 1970	Henry A. Kissinger-Xuan Thuy
6	7	September 27, 1970	Henry A. Kissinger-Xuan Thuy
7	8	May 31, 1971	Henry A. Kissinger-Xuan Thuy
8	9	June 26, 1971	Henry A. Kissinger-Le Duc Tho
9	10	July 12, 1971	Henry A. Kissinger-Le Duc Tho
10	11	July 26, 1971	Henry A. Kissinger-Le Duc Tho
11	12	August 16, 1971	Henry A. Kissinger-Xuan Thuy
12	13	September 13, 1971	Henry A. Kissinger-Xuan Thuy
13	14	May 2, 1972	Henry A. Kissinger-Le Duc Tho
14	15	July 19, 1972	Henry A. Kissinger-Le Duc Tho
15	16	August 1, 1972	Henry A. Kissinger-Le Duc Tho
16	17	August 14, 1972	Henry A. Kissinger-Le Duc Tho
17	18	September 15, 1972	Henry A. Kissinger-Le Duc Tho
18	19	September 26, 1972	Henry A. Kissinger-Le Duc Tho
	20	September 27, 1972	Henry A. Kissinger-Le Duc Tho
19	21	October 8, 1972	Henry A. Kissinger-Le Duc Tho
	22	October 9, 1972	Henry A. Kissinger-Le Duc Tho
	23	October 10, 1972	Henry A. Kissinger-Le Duc Tho
	24	October 11–12, 1972	Henry A. Kissinger-Le Duc Tho
	25	October 17, 1972	Henry A. Kissinger-Xuan Thuy

¹ The table was compiled by the editor specifically for this volume.

20	26	November 20, 1972	Henry A. Kissinger-Le Duc Tho
	27	November 21, 1972	Henry A. Kissinger-Le Duc Tho
	28	November 22, 1972	Henry A. Kissinger-Le Duc Tho
	29	November 23, 1972	Henry A. Kissinger-Le Duc Tho
	30	November 24, 1972	Henry A. Kissinger-Le Duc Tho
	31	November 25, 1972	Henry A. Kissinger-Le Duc Tho
21	32	December 4, 1972	Henry A. Kissinger-Le Duc Tho (1)
	33	December 4, 1972	Henry A. Kissinger-Le Duc Tho (2)
	34	December 6, 1972	Henry A. Kissinger-Le Duc Tho
	35	December 7, 1972	Henry A. Kissinger-Le Duc Tho
	36	December 8, 1972	Henry A. Kissinger-Le Duc Tho
	37	December 9, 1972	Henry A. Kissinger-Le Duc Tho
	38	December 11, 1972	Henry A. Kissinger-Le Duc Tho
	39	December 12, 1972	Henry A. Kissinger-Le Duc Tho (1)
	40	December 12, 1972	Henry A. Kissinger-Le Duc Tho (2)
	41	December 13, 1972	Henry A. Kissinger-Le Duc Tho
22	42	January 8, 1973	Henry A. Kissinger-Le Duc Tho
	43	January 9, 1973	Henry A. Kissinger-Le Duc Tho
	44	January 10, 1973	Henry A. Kissinger-Le Duc Tho
	45	January 11, 1973	Henry A. Kissinger-Le Duc Tho
	46	January 12, 1973	Henry A. Kissinger-Le Duc Tho
	47	January 13, 1973	Henry A. Kissinger-Le Duc Tho
23	48	January 23, 1973	Henry A. Kissinger-Le Duc Tho
24	49	February 10, 1973	Henry A. Kissinger-Le Duc Tho (1)
	50	February 10, 1973	Henry A. Kissinger-Le Duc Tho (2)
	51	February 11, 1973	Henry A. Kissinger-Le Duc Tho & Pham Van Dong (1)
	52	February 11, 1973	Henry A. Kissinger-Le Duc Tho & Pham Van Dong (2)
	53	February 12, 1973	Henry A. Kissinger-Le Duc Tho (1)
	54	February 12, 1973	Henry A. Kissinger-Le Duc Tho (2)
	55	February 12, 1973	Henry A. Kissinger-Le Duc Tho (3)
	56	February 13, 1973	Henry A. Kissinger-Le Duc Tho
25	57	May 17, 1973	Henry A. Kissinger-Le Duc Tho
	58	May 18, 1973	Henry A. Kissinger-Le Duc Tho
	59	May 19, 1973	Henry A. Kissinger-Le Duc Tho
	60	May 21, 1973	Henry A. Kissinger-Le Duc Tho
	61	May 22, 1973	Henry A. Kissinger-Le Duc Tho
	62	May 23, 1973	Henry A. Kissinger-Le Duc Tho
26	63	June 6, 1973	Henry A. Kissinger-Le Duc Tho
	64	June 7, 1973	Henry A. Kissinger-Le Duc Tho
	65	June 9, 1973	Henry A. Kissinger-Le Duc Tho
	66	June 12, 1973	Henry A. Kissinger-Le Duc Tho
	67	June 13, 1973	Henry A. Kissinger-Le Duc Tho
27	68	December 20, 1973	Henry A. Kissinger-Le Duc Tho

Appendix 2

Draft Agreement Between the United States and the Democratic Republic of Vietnam¹

Paris, October 17, 1972

[OPTION FOR TWO PARTY SIGNING] AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIETNAM

The Government of the United States of America, with the concurrence of the Government of the Republic of Vietnam;

The Government of the Democratic Republic of Vietnam, with the concurrence of the Provisional Revolutionary Government of the Republic of South Vietnam;

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 857, For the President's Files (Winston Lord)—China Trip/Vietnam, Sensitive Camp David, Vol. XX [2 of 2]. No classification marking. All brackets are in the original. The agreement was attached at Tab A to a memorandum of conversation recording an October 19 meeting among Kissinger, Thieu, and U.S. and South Vietnamese officials printed in *Foreign Relations*, 1969–1976, vol. IX, Vietnam, October 1972–January 1973, Document 27. For the memorandum of conversation recording the October 17 meeting at which Kissinger and Le Duc Tho agreed to this draft, see Document 25.

The North Vietnamese Government transmitted its acceptance of the U.S. formulation of Articles 7 and 8—the language of which had not been agreed at the conclusion of the October 17 meeting—on October 19. In an October 20 message acknowledging the North Vietnamese acceptance, the U.S. Government wrote: “For purposes of clarity and to avoid any ambiguity, the U.S. side has deleted the first clause of the second paragraph of Article 7, and the entire Article 7 as accepted by the U.S. side now reads as follows: Quote: Article 7. From the enforcement of the ceasefire to the formation of the government provided for in Articles 9b and 9i of this agreement, the two South Vietnamese parties shall not accept the introduction of troops, military advisers, and military personnel including technical military personnel, armaments, munitions, and war material into South Vietnam. The two South Vietnamese parties shall be permitted to make periodical replacements of armaments, munitions and war material which have been worn out or damaged after the ceasefire, on the basis of piece-for-piece, of the same characteristics and properties, under the supervision of the Joint Military Commission of the two South Vietnamese parties and of the International Commission of Control and Supervision. End quote.” (See *Foreign Relations*, 1969–1976, vol. IX, Vietnam, October 1972–January 1973, Document 30 and footnote 2 thereto.)

The final agreed text of Article 8 reads: “a) The return of captured military personnel and foreign civilians of the parties shall be carried out simultaneously with and completed on the same day as the troop withdrawal mentioned in Article 5. The parties shall exchange complete lists of the above-mentioned captured military personnel and foreign civilians on the day of the signing of this agreement. b) The parties shall help each other to get information about those captured military personnel and foreign civilians of the parties missing in action, to determine the location and take care of the graves of the

(Footnote continues on next page)

With a view to ending the war and restoring peace in Vietnam on the basis of respect for the Vietnamese people's fundamental national rights and the South Vietnamese people's right to self-determination, and to contributing to the consolidation of peace in Asia and the world;

Have agreed on the following provisions and undertake to respect and to implement them:

[OPTION FOR FOUR PARTY SIGNING]

*AGREEMENT ON ENDING THE WAR AND
RESTORING PEACE IN VIETNAM*

The Government of the United States of America and the Government of the Republic of Vietnam with the concurrence of those other countries allied with them on the one hand, and the Government of the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam, on the other hand;

With a view to ending the war and restoring peace in Vietnam on the basis of respect for the Vietnamese people's fundamental national rights and the South Vietnamese people's right to self-determination, and to contributing to the consolidation of peace in Asia and the world;

Have agreed on the following provisions and undertake to respect and to implement them:

Chapter I

THE VIETNAMESE PEOPLE'S FUNDAMENTAL NATIONAL RIGHTS

Article 1. — The United States respects the independence, sovereignty, unity, and territorial integrity of Vietnam as recognized by the 1954 Geneva Agreements on Vietnam.

dead so as to facilitate the exhumation and the repatriation of the remains, and to take any such other measures as may be required to get information about those still considered missing in action. c) The question of other Vietnamese civilian personnel detained in South Vietnam and not covered by 8 a) above will be resolved by the South Vietnamese parties on the basis of the principles of Article 21 b) of the agreement on the cessation of hostilities in Vietnam of July 20, 1954. The South Vietnamese parties will do so in a spirit of national reconciliation and concord, with a view to ending hatred and enmity, in order to ease suffering and to reunite families. The two South Vietnamese parties will do their utmost to resolve this question within three months after the ceasefire comes into effect." (Attached but not printed at Tab A, Document 26.)

On the South Vietnamese government's rejection of the October 17 agreement, see footnote 1, Document 26.

Chapter II

CESSATION OF HOSTILITIES—WITHDRAWAL OF TROOPS

Article 2. — A ceasefire shall be observed throughout South Vietnam as of _____ hours (Indochina time), on _____, 1972, i.e. _____ hours G.M.T., on _____, 1972.

At the same hour, the United States will stop all its military activities against the territory of the Democratic Republic of Vietnam by ground, air and naval forces, wherever they may be based, and end the mining of the territorial waters, ports, harbors, and waterways of the Democratic Republic of Vietnam. The United States will remove, permanently deactivate or destroy all the mines in the territorial waters, ports, harbors, and waterways of North Vietnam as soon as this agreement goes into effect.

The complete cessation of hostilities mentioned in this Article shall be durable and without limit of time.

Article 3. — The Parties undertake to maintain the ceasefire and to ensure a lasting and stable peace. As soon as the ceasefire goes into effect:

a) The United States forces and those of the other foreign countries allied with the United States and with the Republic of Vietnam shall remain in-place pending the implementation of the plan of troop withdrawal. The Four-Party Joint Military Commission described in Article 11 shall determine the modalities.

b) The armed forces of the two South Vietnamese parties shall remain in-place. The Two-Party Joint Military Commission described in Article 12 shall determine the areas controlled by each party and the modalities of stationing.

c) The regular forces of all services and arms and the irregular forces of the parties in South Vietnam shall stop all offensive activities against each other and shall strictly abide by the following stipulations:

— All acts of force on the ground, in the air, and on the sea shall be prohibited;

— All hostile acts, terrorism and reprisals by both sides will be banned.

Article 4. — The United States will not continue its military involvement or intervene in the internal affairs of South Vietnam.

Article 5. — Within sixty days of the signing of this agreement, there will be a total withdrawal from South Vietnam of troops, military advisers, and military personnel, including technical military personnel and military personnel associated with the pacification program, armaments, munitions, and war material of the United States and those of the other foreign countries allied with the United States and with the

Republic of Vietnam. Advisers from the above-mentioned countries to all paramilitary organizations and the police force will also be withdrawn within the same period of time.

Article 6. — The dismantlement of all military bases of the United States and those of the other foreign countries allied with the United States and with the Republic of Vietnam in South Vietnam shall be completed within sixty days of the signing of this agreement.

Article 7. — [Not yet agreed] — From the enforcement of the ceasefire to the formation of the government provided for in articles 9b and 9i of this agreement, the two South Vietnamese parties shall not accept the introduction of troops, military advisers, and military personnel including technical military personnel, armaments, munitions, and war material into South Vietnam.

The two South Vietnamese parties shall, however, be permitted to make periodic replacements of arms, munitions and war material destroyed, damaged, worn out or used up after the ceasefire on the basis of piece-for-piece of the same type and with similar characteristics. Such replacements shall come under international supervision as provided in Chapter VI of this agreement.

Chapter III [Not yet agreed]

THE RETURN OF CAPTURED MILITARY PERSONNEL AND CIVILIANS OF THE PARTIES

Article 8. — a) The return of all military personnel and civilians of all of the parties with the exception of those South Vietnamese civilians held by the two South Vietnamese parties shall be carried out simultaneously with and completed on the same day as the troop withdrawal mentioned in Article 5. The parties shall exchange complete lists of the above-mentioned personnel on the day of the signing of this agreement.

b) The parties shall help each other to get information about those captured military personnel and civilians of the parties missing in action, to determine the location and take care of the graves of the dead so as to facilitate the exhumation and repatriation of the remains, and to take any such other measures as may be required to get information about those still considered missing in action.

c) The question of the South Vietnamese civilian personnel held by the two South Vietnamese parties will be resolved by the South Vietnamese parties on the basis of the principles of Article 21 (b) of the agreement on the cessation of hostilities in Vietnam of July 20, 1954. They will do so in a spirit of national reconciliation and concord; with a view to ending hatred and enmity; in order to ease suffering and to reunite families. The two South Vietnamese parties will do this

as soon as possible and do their utmost to resolve this question within two months after the ceasefire comes into effect.

Chapter IV

THE EXERCISE OF THE SOUTH VIETNAMESE PEOPLE'S RIGHT TO SELF-DETERMINATION

Article 9. — The Government of the United States of America and the Government of the Democratic Republic of Vietnam undertake to respect the following principles for the exercise of the South Vietnamese people's right to self-determination:

a) The South Vietnamese people's right to self-determination is sacred, inalienable, and shall be respected by all countries.

b) The South Vietnamese people shall decide themselves the political future of South Vietnam through genuinely free and democratic general elections under international supervision.

c) The two South Vietnamese parties undertake to respect the ceasefire and maintain peace in South Vietnam, settle all matters of contention through negotiations, and avoid all armed conflict.

d) The United States declares that it respects the South Vietnamese people's right to self-determination; it is not committed to any political tendency or to any personality in South Vietnam; and it does not seek to impose a pro-American government in Saigon.

e) Immediately after the ceasefire, the two South Vietnamese parties will:

— achieve national reconciliation and concord; end hatred and enmity; prohibit all acts of reprisal and discrimination against individuals or organizations that have collaborated with one side or the other;

— ensure the democratic liberties of the people: personal freedom, freedom of speech, freedom of the press, freedom of meeting, freedom of organization, freedom of political activities, freedom of belief, freedom of movement, freedom of residence, freedom of work, right to property ownership, and right to free enterprise.

f) Immediately after ceasefire, the two South Vietnamese parties shall hold consultations in a spirit of national reconciliation and concord, mutual respect, and mutual non-elimination to set up an administrative structure called the National Council of National Reconciliation and Concord of three equal segments. [DRV proposes that the Council be established within 15 days after the ceasefire.] The Council shall operate on the principle of unanimity. After the National Council of National Reconciliation and Concord has assumed its functions, the two South Vietnamese parties will consult about the formation of councils at lower levels. The two South Vietnamese parties shall sign an agreement on the internal matters of South Vietnam as soon as possible

and do their utmost to accomplish this within three months after the ceasefire comes into effect, in keeping with the South Vietnamese people's aspirations for peace, independence and democracy.

g) The National Council of National Reconciliation and Concord shall have the task of promoting the two South Vietnamese parties' implementation of the signed agreements, maintenance of the ceasefire, preservation of peace, achievement of national reconciliation and concord and ensuring of democratic liberties. The National Council of National Reconciliation and Concord will organize the free and democratic general elections provided for in Article 9 b) and decide the procedures and modalities of these elections. [DRV proposes that these elections be held within 6 months after the ceasefire]. The institutions for which the general elections are to be held will be agreed upon through consultations between the two South Vietnamese parties. The National Council of National Reconciliation and Concord will also decide the procedures and modalities of such local elections as the two South Vietnamese parties agree upon.

h) The question of Vietnamese armed forces in South Vietnam shall be settled by the two South Vietnamese parties in a spirit of national reconciliation and concord, equality and mutual respect, without foreign interference, in accordance with the postwar situation. Among the questions to be discussed by the two South Vietnamese parties are steps to reduce the military numbers on both sides and to demobilize the troops being reduced.

i) South Vietnam will pursue a foreign policy of peace and independence. It will respect the military provisions of the 1954 Geneva Agreements on Vietnam which prohibit the joining of any military alliance or military bloc or the maintenance by foreign powers of military bases, troops, military advisers and military personnel on its territory. It will maintain relations with all countries irrespective of their political or social systems and accept economic and technical aid from any country with no political conditions attached. The acceptance of military aid by South Vietnam in the future shall come under the authority of the government set up after the general elections in South Vietnam.

Chapter V

THE REUNIFICATION OF VIETNAM AND THE RELATIONSHIP BETWEEN SOUTH AND NORTH VIETNAM

Article 10. — As stipulated in the 1954 Geneva Agreements on Vietnam, the military demarcation line at the 17th parallel is only provisional and not a political or territorial boundary.

The reunification of Vietnam shall be carried out step by step through peaceful means, on the basis of discussions and agreements

between North and South Vietnam, without coercion or annexation by either party, and without foreign interference. The time for reunification will be agreed upon by North and South Vietnam.

Pending reunification, South and North Vietnam shall promptly start negotiations toward the reestablishment of normal relations in various fields.

Pending reunification, South and North Vietnam shall not join any military alliance or military bloc and shall not allow foreign powers to maintain military bases, troops, military advisers, and military personnel on their respective territories, as stipulated in the 1954 Geneva Agreements on Vietnam.

Chapter VI

THE JOINT MILITARY COMMISSION, THE INTERNATIONAL COMMISSION OF CONTROL AND SUPERVISION, THE INTERNATIONAL CONFERENCE

Article 11. — a) The Government of the United States of America, the Government of the Republic of Vietnam, the Government of the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam shall immediately designate representatives to form a Four-Party Joint Military Commission with the task of ensuring joint action by the parties in implementing the following provisions of this agreement:

— The first paragraph of Article 2 regarding the enforcement of the ceasefire throughout South Vietnam.

— Article 3 a), regarding the ceasefire by U.S. forces and those of the other foreign countries allied to the United States and the Republic of Vietnam.

— Article 3 c), regarding the ceasefire between all parties in South Vietnam.

— Article 5 regarding the withdrawal from South Vietnam of U.S. troops and those of the other foreign countries allied with the United States and to the Republic of Vietnam.

— Article 6 regarding the dismantlement of military cases in South Vietnam of the United States and those of the other foreign countries allied with the United States and with the Republic of Vietnam.

— Article 8 regarding the return of captured military personnel and innocent civilians of the parties.

b) The four-party Joint Military Commission shall operate in accordance with the principle of consultations and unanimous agreement. Disagreements shall be referred to the International Commission of Control and Supervision.

c) The four-party Joint Military Commission shall begin operating immediately after the signing of this agreement and end its activities after the implementation of the first paragraph of Article 2, Articles 3a and 3c, and Articles 5, 6 and 8 of this agreement.

d) The four parties shall agree immediately on the organization, the working procedure, means of activity, and expenditures of the four-party Joint Military Commission.

Article 12. — The Government of the Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam shall immediately designate representatives to form a Joint Military Commission composed of the two South Vietnamese parties with the task of ensuring joint action by the two South Vietnamese parties in implementing the following provisions of this agreement concerning the two parties:

— The first paragraph of Article 2, regarding the enforcement of the ceasefire throughout South Vietnam, when the Four Party Joint Military Commission has ended its activities.

— Article 3b regarding the ceasefire between the South Vietnamese parties.

— Article 3c regarding the ceasefire between all parties in South Vietnam, when the Four Party Joint Commission has ended its activities.

— Article 7 regarding the introduction of troops into South Vietnam and all its other provisions.

— Article 9 h), regarding the question of Vietnamese armed forces in South Vietnam.

Disagreements shall be referred to the International Commission of Control and Supervision. After the signing of this agreement, the two-party Joint Military Commission shall agree immediately on the measures and the organization aimed at enforcing the ceasefire and preserving peace in South Vietnam.

Article 13. — a) After the signing of this agreement, an International Commission of Control and Supervision shall be established immediately

b) Until the international guarantee conference makes definitive arrangements, the International Commission of Control and Supervision will report to the four parties on matters concerning the control and supervision of the implementation of the following provisions of this agreement:

— The first paragraph of Article 2, regarding the enforcement of the ceasefire in South Vietnam.

— Article 3a, regarding the ceasefire by U.S. forces and those of the other foreign countries allied to the United States.

— Article 3c, regarding the ceasefire between all the parties in South Vietnam.

— Article 5 regarding the withdrawal from South Vietnam of U.S. troops and those of the other foreign countries allied to the U.S. and to the Republic of Vietnam.

— Article 6 regarding the dismantlement of military bases in South Vietnam of the United States and those of the other foreign countries allied to the U.S. and to the Republic of Vietnam.

— Article 8 regarding the return of captured military personnel and innocent civilians of the parties.

The International Commission of Control and Supervision shall form control terms for carrying out its tasks. The four parties shall agree immediately on the location and operation of these terms. The parties will facilitate their operation.

c) Until the international guarantee conference makes definitive arrangements, the International Commission of Control and Supervision will report to the two South Vietnamese parties for the control and supervision of the implementation of the following provisions of this agreement:

— The first paragraph of Article 2, regarding the enforcement of the ceasefire throughout South Vietnam.

— Article 3 b) regarding the ceasefire between the South Vietnamese parties.

— Article 3 c), regarding the ceasefire between all the parties in South Vietnam.

— Article 7, regarding the introduction of troops in South Vietnam and all its other provisions.

— Article 9 b) regarding the free and democratic general elections in South Vietnam.

— Article 9 h) regarding any agreements reached between the two Vietnamese parties on the reduction of military numbers of the Vietnamese armed forces in South Vietnam and the demobilization of troops being reduced.

The International Commission of Control and Supervision shall form international control teams for carrying out these tasks. The two South Vietnamese parties shall agree immediately on the location and operation of these teams. The parties will facilitate their operation.

d) The International Commission of Control and Supervision shall be composed of representatives of four countries: Canada, Hungary, Indonesia and Poland. The chairmanship of this Commission will rotate among the members for specific periods to be determined by the Commission.

e) The International Commission of Control and Supervision shall carry out its tasks in accordance with the principle of respect for sovereignty.

f) The International Commission of Control and Supervision shall operate in accordance with the principle of consultations and unanimity.

g) The International Commission of Control and Supervision shall begin operating when a ceasefire comes into force in Vietnam. As regards the provisions in Article 13b concerning the four parties, the International Commission of Control and Supervision shall end its activities when the Commission's tasks of control and supervision regarding these provisions have been fulfilled. As regards the provisions in Article 13c concerning the two South Vietnamese parties, the International Commission of Control and Supervision shall end its activities on the request of the government formed after the general elections provided for in Article 9 b).

h) The four parties shall agree immediately on the organization, means of action, and expenditures of the International Commission of Control and Supervision. The relationship between the International Commission and the international guarantee conference will be agreed upon by the International Commission and the international conference.

Article 14. — The parties agree on the convening of an international conference within 30 days of the signing of this agreement to acknowledge the signed agreements; to guarantee the ending of the war, the maintenance of peace in Vietnam, the respect of the Vietnamese people's fundamental national rights, and the South Vietnamese people's right to self-determination; and to contribute to and guarantee peace in Indochina.

The United States and the Democratic Republic of Vietnam will propose to the following parties that they participate in this international conference: the Union of Soviet Socialist Republics, the People's Republic of China, France, the United Kingdom, the four countries of the International Commission of Control and Supervision, and the Secretary General of the United Nations, together with the parties to the Paris Conference on Vietnam.

Chapter VII

CAMBODIA AND LAOS

Article 15. — a) The Government of the United States of America, the Government of the Republic of Vietnam, the Government of the Democratic Republic of Vietnam, and the Provisional Revolutionary Government of the Republic of South Vietnam shall strictly respect

the Cambodian and the Lao peoples' fundamental national rights as recognized by the 1954 Geneva Agreements on Indochina and the 1962 Geneva Agreements on Laos, i.e. the independence, sovereignty, unity, and territorial integrity of these countries. They shall respect the neutrality of Cambodia and Laos.

The Government of the United States of America, the Government of the Republic of Vietnam, the Government of the Democratic Republic of Vietnam, and the Provisional Revolutionary Government of the Republic of South Vietnam undertake to refrain from using the territory of Cambodia and the territory of Laos to encroach on the sovereignty and security of other countries.

b) Foreign countries shall put an end to all military activities in Laos and Cambodia, totally withdraw from and refrain from reintroducing into these two countries troops, military advisers and military personnel, armaments, munitions and war material.

c) The internal affairs of Cambodia and Laos shall be settled by the people of each of these countries without foreign interference.

d) The problems existing between the three Indochinese countries shall be settled by the Indochinese parties on the basis of respect for each other's independence, sovereignty, and territorial integrity, and non-interference in each other's internal affairs.

Chapter VIII

THE RELATIONSHIP BETWEEN THE UNITED STATES OF AMERICA AND THE DEMOCRATIC REPUBLIC OF VIETNAM

Article 16. — The United States expects that this agreement will usher in an era of reconciliation with the Democratic Republic of Vietnam as with all the peoples of Indochina. In pursuance of its traditional policy, the United States will contribute to healing the wounds of war and to post-war reconstruction of the Democratic Republic of Vietnam and throughout Indochina.

Article 17. — The ending of the war, the restoration of peace in Vietnam, and the strict implementation of this agreement will create conditions for establishing a new, equal, and mutually beneficial relationship between the Democratic Republic of Vietnam and the United States on the basis of respect for each other's independence and sovereignty, and non-interference in each other's internal affairs. At the same time it will ensure stable peace in Vietnam and contribute to the preservation of lasting peace in Indochina and Southeast Asia.

Chapter IX

OTHER PROVISIONS

Article 18. — This agreement shall come into force as of its signing. It will be strictly implemented by all the parties concerned.

Done in _____ on _____, 1972, in Vietnamese and English. The Vietnamese and the English texts are official and equally authentic. Subsequently a French text will be prepared for reference.

Appendix 3

Editorial Note

The Paris Peace Accords, formally known as the Agreement on Ending the War and Restoring Peace in Vietnam, were initialed by President's Assistant for National Security Affairs Henry Kissinger and North Vietnamese Politburo Member and Special Adviser to the North Vietnamese Delegation Le Duc Tho on January 23, 1973, and formally signed by representatives of the United States, the Republic of Vietnam, the Democratic Republic of Vietnam, and the Provisional Revolutionary Government on January 27. The accords consist of an agreement, four attached protocols, and a number of understandings. The text of the agreement and protocols were released by the White House on January 24: see Department of State *Bulletin*, February 12, 1973, pp. 169–188.

The emergence of the understandings, which were negotiated and agreed to by Kissinger and Le Duc Tho, can be traced in the record of the negotiations included in this volume and in *Foreign Relations*, 1969–1976, Volume IX, Vietnam, October 1972–January 1973. That the understandings were meant to remain unpublished and unknown to the public is clear from an exchange between Kissinger and Le Duc Tho that took place on January 11. As the two came closer to agreement on the wording of various understandings, Kissinger asked: “What happens to these understandings? We shouldn’t publish them.” Le Duc Tho replied: “We shouldn’t publish them. And they should be respected, should be carried out, should be implemented by you. We see that the understandings are not signed agreements but we respect the understandings, and we both have obligation to correctly carry out the understanding.” Kissinger agreed: “That is right. That is my view also.” (See Document 45.)

A January 11 paper entitled “Understandings Associated with the Agreement” lists the status of nine such “Mutual Understandings:” 1) “Reconnaissance (Agreed; Confirmed Jan. 9);” 2) “Aircraft Carriers (DRV wants ‘Vietnam’ and ‘within 60 days’);” 3) “Prisoners/MIA of the Parties (Agreed; Confirmed Jan. 9);” 4) “Laos and Cambodia (New version);” 5) “Mutual Understanding on Cambodia (Handed over; not accepted) (New version);” 6) “Unconditional Return of U.S. Prisoners (Handed over) We may drop;” 7) “Formation of NCNRC (Handed over; DRV rejects linkage) They drop;” 8) “Vietnamese Civilian Detainees in South Vietnam (New version);” and 9) “U.S. Government Civilian Personnel in South Vietnam (Handed over) (New version).” (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 109, Country Files, Far East, Vietnam Negotiations, Understandings)

The final text of the understanding on reconnaissance reads: "With respect to reconnaissance activities, the U.S. side confirms that with the coming into effect of the Agreement on Ending the War and Restoring Peace in Vietnam, reconnaissance activities against the territory of the Democratic Republic of Vietnam will cease completely and indefinitely." (See Document 43.)

The final text of the understanding on "Aircraft Carriers," on which an unknown hand wrote "Agreed & retyped 1/13/73" reads: "In view of the prolonged hostilities which are now brought to a close in Vietnam and in order to contribute to the relaxation of tensions between the United States and the Democratic Republic of Vietnam, the U.S. side states its firm intention to station its aircraft carriers at least three hundred nautical miles from the coast of North Vietnam after the withdrawal of its armed forces from South Vietnam. This statement does not, of course, affect transit." (Attached but not printed at Tab C, Document 47.)

The final text of the understanding on prisoners and missing in action of the parties reads: "It is understood between the United States and the DRV that the phrase 'of the parties' in Article 8 (a) and (b) of the Agreement covers all personnel of the parties and from any other country." (See Document 43.)

The final text of the understanding on Laos reads: "1. In the private meeting of January 10, 1973, between the U.S. and the DRV, it was agreed that the period of one month following the signature of the Agreement, specified in the above exchange of messages with respect to a ceasefire in Laos, will be reduced to a period of no more than 15 days. In the private meeting of January 9, 1973, it was furthermore agreed that all U.S. military and civilian prisoners detained in Laos shall be released no later than 60 days following the signature of the Agreement. 2. Because of the rearrangement and renumbering of the articles of the Agreement, as agreed to between the U.S. and DRV on November 21, 1972, Article 15 referred to in the above-quoted exchange of messages is now Article 20 of the Agreement." ("Understandings Associated with the Agreement," January 11; National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 109, Country Files, Far East, Vietnam Negotiations, Understandings) The "exchange of messages" refers to two messages: an October 21 message from the DRV government to the U.S. government and an October 22 message from the U.S. government to the DRV government (for the full text, see *Foreign Relations, 1969-1972, Volume IX, Vietnam, October 1972-January 1973, Document 51*). The relevant portions of these messages are attached but not printed at Tab D, Document 45.

The final text of the understanding on "The Return of Vietnamese Civilian Personnel Captured and Detained in South Vietnam," on

which an unknown hand wrote “As agreed & retyped 1/13/73” reads: “The U.S. side reaffirms the statement of Dr. Henry A. Kissinger, Assistant to the President of the United States, on October 17, 1972, that the United States will use its maximum influence to secure the return of Vietnamese civilian personnel captured and detained in South Vietnam. In the spirit of national reconciliation and concord between the two South Vietnamese parties, the U.S. will exert this influence to promote the return of the greater part of such detainees within sixty days of the signing of the Agreement on Ending the War and Restoring Peace in Vietnam and the return of all such detainees within ninety days as envisaged by the Agreement.” (Attached but not printed at Tab A, Document 47.)

The final text of the understanding on “Withdrawal of United States Civilian Personnel Working in the Armed Forces of the Republic of Vietnam,” on which an unknown hand wrote “As agreed & retyped 1/13/73,” reads: “The United States affirms that it will withdraw from South Vietnam all its civilian personnel working in the armed forces of the Republic of Vietnam and not reintroduce them. The numbers of the above-mentioned civilian personnel will be reduced gradually. Their withdrawal will be completed within 12 months of the signing of the Agreement on Ending the War and Restoring Peace in Vietnam, and the majority of them will be withdrawn within 10 months of the signing of the Agreement. Pending their withdrawal from South Vietnam, none of the above-mentioned civilian personnel will participate in military operations or operational military training.” (Attached but not printed at Tab B, Document 47.)

In addition to the six quoted above, a number of other understandings were reached. Among them was an understanding concerning Articles 12, 16, and 18 of the agreement, which reads: “It is understood between the United States and the Democratic Republic of Vietnam that the word ‘unanimity’ in Articles 12 (a), 16 (b) and 18 (f) of the Agreement on Ending the War and Restoring Peace in Vietnam and in the protocols to the Agreement means ‘unanimous decision.’” (See *Foreign Relations*, 1969–1976, Volume IX, Vietnam, October 1972–January 1973, Document 317.) An understanding on the “Relationship Between the International Commission of Control & Supervision and the International Conference,” on which an unknown hand wrote “As agreed 1/23/73,” reads: “Nothing in the Protocol to The Agreement on Ending the War and Restoring Peace in Vietnam concerning the International Commission of Control and Supervision shall prejudice Articles 18 (b), 18 (c) and 18 (h) of the Agreement with respect to arrangements the International Conference is to make for the relationship between the International Commission and the International Conference.” (Attached but not printed at Tab H, Document 48.)